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## **Information**

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

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## Foreword

The strain on the Bundeswehr continues to grow. At the end of 2019, 17,500 servicewomen and men were simultaneously engaged in deployments, quasi-operational commitments, standing operational tasks and other commitments. Add to this an additional 7,200 at the start of 2020, registered as NATO Readiness Forces, albeit initially more as a symbolic German contribution. At the same time, national and international discussions are underway about new theatres of operations: Northern Syria, Yemen, Libya? Afghanistan, the Sahel mandates and counter-IS in the Middle East are all set to undergo changes. Germany's self-commitment to "promote world peace" enshrined in the preamble to the Basic Law is currently demanding a great deal from our servicewomen and men.

There are intense political efforts to improve operational readiness. Yet the troops are still not really noticing the "trend reversals" that have been initiated. Gaps in staff, juggling materiel shortages and excessive bureaucracy remain part and parcel of everyday life in many places. Old structures and processes that have long since ceased to be expedient mean that all too many efforts are amounting to nothing.

More than 20,000 posts above the level of junior-ranking soldiers are vacant - like before. When it comes to the materiel situation, the Ministry of Defence itself reports that it has "not yet been possible to significantly improve the materiel readiness of the major weapon systems" - comparable to 2017 and 2018. And on the issue of excessive organisation, in its documents in preparation of a field visit from the Parliamentary Commissioner, the Naval Air Command notes: "Increasing bureaucratisation in all areas is restricting operational flexibility to an ever-greater degree. Strict process execution has become more important than the operational goal of providing trained crews with operationally ready aircraft in time for the deployment". This does not sound good. But it is honest.

If on missions abroad gaps in staff are always filled by the same specialists time and again, and the period in post during deployments for the Army is back at six months yet again, this is clearly at the expense of servicemembers' work-life balance. A nursery teacher wrote to the Office of the Parliamentary Commissioner for the Armed Forces on 18 December 2019 on behalf of a five-year-old child in her care: "My Daddy works for the Bundeswehr in Afghanistan in Mazar-i-Sharif. At first my Daddy was there from summer until almost Saint Nicholas Day. I really missed him. Now he's home, and he has to go back there after ten sleeps". Of course, this is not the rule, but it happens, too often, including in the Medical Service, in the Navy, the Air Force, in the Cyber and Information Domain Service and in the Joint Support and Enabling Service.

The sluggish procurement system continues to be cause for concern, which is certainly not down to the motivation and commitment of Bundeswehr personnel, but rather to obviously dysfunctional official structures - and frequently also to a shortage of expertise and staff in the private sector. This has led to a loss of trust and confidence. The strategy of absolute "risk" minimisation in the management of large armaments projects can lead to risk maximisation for the troops, who then have to battle with outdated or even no equipment at all. In the year under review, the Ministry of Defence finally announced concrete reforms in the area of armaments, smaller ones initially.

Irrespective of this, a bold paradigm shift would be desirable: Most of the equipment our armed forces need, from rucksacks to light-weight liaison helicopters, does not always first have to be abstractly defined in complicated "functional capability requirements", then put out to a Europe-wide tender, reinvented, awarded, tested, certified and finally "introduced" at the Bundeswehr in small tranches over a period of 15 years. It is also possible to just buy it. This means moving away from the principle that everything must always be "designer" for the German military because otherwise it is no good and moving towards the "IKEA principle": choose, pay and take it with you! And then, for top-end cutting-edge technology, from the new battle tank to missile defence, you use the designer solution to supplement this! A dual procurement channel of this kind, "IKEA or

designer”, has the potential to save time, money and personnel, to accelerate full re-sourcing and spare the nerves of soldiers who continue to suffer under the strain of “dynamic availability management” (the term has now been abolished).

This will not be possible without change. This also holds true of the organisation of the armed forces itself: Competencies and responsibility for resources must be returned to those who are supposed to be responsible for accomplishing military missions. The radical centralisation that took place during the era when the Bundeswehr was contracting has become counterproductive in times where the entire Bundeswehr is required to be fully operational. The “*Innere Führung* – Today” (“Leadership Development and Civic Education – Today”) programme, which has been developed since 2017 with the exemplary involvement of servicewomen and men from all major organisational elements and ranks, contains proposals for internal reform in this vein. They should be implemented! Decentralised, holistic assumption of responsibility in battalions, brigades and squadrons is the order of the day.

A positive aspect worthy of mention in the year under review is a number of legal improvements for servicewomen and men, from the amount of allowances to the provisions governing family separation allowance to new forms of PTSD therapy. There is still room for improvement when it comes to the accommodation situation for many commuters and support for (families) relocating to urban areas.

Sexualised behaviour and assaults continued to play a greater role in the Bundeswehr’s official reporting systems. Further efforts to raise awareness on how to appropriately handle such cases appear to be necessary. The issue of right-wing extremism was the subject of broad public debate during the year under review. The reorganisation of the Federal Office of Military Counter-Intelligence is also designed to better reflect the significance of the issue for society as a whole. It would be best if in the future the Military Counterintelligence Service (MAD) itself were to report publicly on the results of its work once a year.

For their excellent cooperation, I owe a debt of gratitude to the many offices in the Bundeswehr that have contributed to the requisite investigation of cases. The collaboration with the bodies that represent personnel spokespersons, staff councils, the General Spokespersons’ Committee, the Central Staff Council, the gender equality commissioners, the Bundeswehr Association, the Bundeswehr Reservists’ Association and other professional associations, trade unions and charitable foundations, the Evangelical Lutheran and Catholic chaplaincies was valuable and constructive. My thanks also go to the Defence Committee and the political leadership of the Federal Ministry of Defence for the open exchange for the good of our servicewomen and men.

**Dr Hans-Peter Bartels**

### The year under review in brief

“For a strong Bundeswehr in a changing world” was the title of the new Minister of Defence, Annegret Kramp-Karrenbauer’s inaugural speech to the German Bundestag on 24 July 2019: “With each day that goes by, our servicewomen and men should see how the gaps in materiel and equipment are finally being closed: that they have the best possible hardware, the best possible gear, the most modern personal equipment not only on deployments, not only on major exercises, but starting with daily training, that we have enough flying hours, operational ships and battle-ready tanks, that the ammunition depots are full, that spare parts arrive quickly, across the board, too. Our servicewomen and men should master the equipment they use in the field. If every soldier has the equipment they need for their task - and I emphasise: at their unit and not on loan - then the Bundeswehr really is an attractive employer, and that is what we are working to achieve”.

The Minister thus aptly outlines the well-known problems that have existed for years. The Ministry of Defence also knows the causes and possible solutions, as the official examination of the underlying conditions under which the Bundeswehr is led and managed (“*Innere Führung – Today*” programme) initiated in 2017 clearly demonstrates. In a series of workshops, military and civilian leaders from all major organisational elements pooled the problems ailing the Bundeswehr system and called for internal structural reforms. But instead of proactively using the findings, to date the Ministry has remained stuck in old thought patterns - which were also criticised during the workshops - and there is still no accessible final report to this very day. The Parliamentary Commissioner has, however, received an “unapproved draft” of a “final report” dated 1 February 2019. This speaks of a lack of trust and confidence due to too many transversal competencies and shared responsibilities, powerlessness in the face of centralised organisational structures as well as limited scope for action as a result of excessive regulation and a lack of internal communication. In many areas - so the report - there is a mismatch between the task to be accomplished and available resources, with the personnel, materiel and time required for good leadership lacking. Robustness, a clear division of responsibilities and sustainability are not in place to the extent required for an operational large-scale military organisation - these are some of the many key points from this “final report”. The findings of the Parliamentary Commissioner and his Office from the submissions, field visits, discussions and information events in 2019 are largely identical to the

candid, unfiltered information provided by members of the Bundeswehr in the “*Innere Führung – Today*” programme.

Years have now passed since the launch of the “trend reversals” in the areas of materiel, personnel and finances. Progress has been made in the area of finances and also to some extent in that of infrastructure, but in the areas of personnel and materiel in particular there has been no noticeable improvement to date. “Out-of-area” missions with modest contingents worldwide as seen in the past are now paired with the need to simultaneously be able to contribute to Europe’s collective defence with the entire Bundeswehr and require fully resourced, fully deployable armed forces. But it will not be possible to reverse the trends with structures and processes dating back to the Bundeswehr’s downsizing phase. Additional financial resources are certainly required, but without internal reform they are in danger of seeping away to nothing. The findings of the “*Innere Führung – Today*” programme show that the servicewomen and men themselves urgently expect changes in structures and responsibilities.

Digitalisation has the potential to help increase effectiveness and speed. The Bundeswehr is doing a great deal in this area and doing many things right. However, there are also negative effects, as evidenced by ventures in the wrong direction, in particular when it comes to the application of SASPF (the Standard Application Software Product Family). What is missing *inter alia* is institutionalised critical reflection on all digitalisation and connectivity endeavours and an open discourse with users.

The defence budget - an expression of the trend reversal in finances - belongs, albeit with limitations, on the positive side of the trend reversal balance: It is posting sustained, disproportionately high growth. This is necessary to be able to rectify the identified staff and materiel shortfalls. The additional funds are not always invested solely in resolving shortfalls, however. It is a similar situation when it comes to the “NATO ratio”, which according to the Federal Government will amount to 1.5 per cent of German economic output in 2024 and two per cent in 2031. Here, too, the annually increasing percentages cannot hide the fact that some of the newly included sums, such as additional funds from the budget for economic cooperation, ultimately will not translate into improvements for servicewomen and men.

The body of personnel is growing. At the end of 2019, the Ministry of Defence recorded 175,330 career soldiers and temporary-career volunteers. This is an increase of 2,300 compared to the figures in December of the previous year. Whilst the number of

applicants had declined sharply in previous years, in 2019 it stabilised. The number of new appointments of temporary-career volunteers and military service volunteers continues to hover at the same level as the previous year. The Bundeswehr should do more to harness the advertising potential of the some 260 civilian education and vocational qualifications, the wide variety of higher-education degrees and over 4,000 types of training from basic military training to the Federal Armed Forces Command and Staff College, from forklift truck licences to firearms instructor qualifications that it offers. The current image campaign, “The Parachutists” for instance, no doubt arouses people’s interest, but does not always reflect the Bundeswehr’s actual staffing needs. Furthermore, the number of temporary-career volunteers switching to civilian employment at the Bundeswehr after their period of service is frighteningly low compared to the great potential that actually exists here. An improved internal labour market would certainly make service more attractive to potential applicants. It would also be a sign of appreciation towards existing staff, who in the year under review often felt at a disadvantage in light of the many incentives offered to new, returning and lateral entrants. The numerous financial improvements that the Act on the Modernisation of Military Pay Structures passed at the end of the year under review will now bring for many servicewomen and men are therefore very much to be welcomed.

The Ministry of Defence is satisfied with the recruitment results achieved in 2019. But the increase in the number of service personnel is essentially above all thanks to successful staff retention. Temporary-career volunteers and career soldiers are staying on longer - not least because of the greater incentives - and greater numbers of older re-employed personnel and lateral entrants are being recruited. This is making the Bundeswehr older. No progress was made in 2019 in terms of the number of vacant non-commissioned officer and officer posts. This remained at the same level as the previous year, with the shortfall amounting to over 20,000.

The reversal of the materiel trend has still not led to noticeable improvements to this very day. The materiel that is available is often not operationally ready: there are too few or no spare parts, or there is a lack of maintenance and repair capacities. Juggling shortages will remain a problem for the foreseeable future, longer than had been planned. This is what the Ministry of Defence told the Defence Committee at the end of the year under review. It is incomprehensible that it has not even been possible to date to fully equip servicewomen and men with new personal equipment, such as armoured vests. At the insist-

ence of the Parliamentary Commissioner, the Ministry of Defence is now going to double the procurement volume of MOBAST armoured vests from 5,000 to 10,000, a small step. Clothing, combat helmets, rucksacks, night vision equipment - it all arrives too slowly and in too small quantities.

During his visit to a Bundeswehr base, Federal President Frank-Walter Steinmeier quite rightly noted that “not only does the work that servicewomen and men perform for the security of the German people deserve respect and recognition, the servicewomen and men should also be able to expect to receive the best possible equipment for this work”.

The central requirement for a modern and fully resourced Bundeswehr remains the acceleration of procurement. There was movement in this regard in the year under review. In September 2019, the Minister of Defence set in motion a management reform at the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. Now it is a matter of implementing the measures, whose impact is to be continuously assessed through a new controlling system.

In the area of infrastructure, the continued operation of several barracks as well as materiel and ammunition stores previously earmarked for closure is a positive development. Further locations should follow given that the Bundeswehr is growing. A bed and a locker for every soldier is the aim. Universal coverage with functioning wireless Internet should also go without saying. Unfortunately, there are still accommodation, duty and recreation areas as well as mess halls that are substandard or even have hygiene deficiencies - in the 21st century in the world’s fourth largest economy.

In addition to their involvement in the collective defence of Europe in the framework of NATO, in the year under review servicewomen and men were called upon above all by the Bundeswehr’s ten mandated foreign missions. The missions in Afghanistan (RESOLUTE SUPPORT) as well as in Mali and Niger (MINUSMA and EUTM) continue to be demanding and dangerous. The same applies to Training Support Iraq (COUNTER DAESH), which has been suspended temporarily due to the security situation. The servicewomen and men on these deployments are under a great deal of strain and must be able count on their safety being top priority. There is room for improvement here, for instance in Kunduz and Meymaneh.

There was a necessary political debate about a small training mission by Bundeswehr special forces (GAZELLE), who are training soldiers to combat terror-

ism at a camp of the Nigerien armed forces in Tahoua. Looking at the security situation in Niger and the media reports coming out of Niger, there is reason enough to conclude that this training mission harbours the risk of being sucked into armed conflict. In spite of this, no mandate was sought from the German Bundestag. The parts of the German national support forces for the UN MINUSMA mission in Mali stationed in the Nigerien capital Niamey, on the other hand, are mandated by the German Bundestag. In the future this should also apply to the GAZELLE mission. It is one and the same Bundeswehr after all.

The extension of the periods in post on missions abroad from four to six months is a heavy blow for servicewomen and men in the Army. It places additional strain on service personnel and their families and should not be seen as a panacea for the long-term. Family-friendliness in general remains an issue at the Bundeswehr. This is why in the year under review - for the fifth time now - the Parliamentary Commissioner and the Evangelical Lutheran chaplaincies in the Bundeswehr and the Catholic military chaplaincies again staged an event on “The compatibility of serving in the Bundeswehr and family and private life.” This time the event focussed in particular on the children of servicewomen and men and their concerns and needs, but also on the problems faced by reservists in reconciling serving as a reservist with family commitments and their full-time jobs.

In 2017 and 2018, the spotlight was on questions relating to the understanding and cultivation of tradition at the Bundeswehr. A considerable amount has happened since then. Transparency and public debate had an awareness-raising effect. The political leadership of the Ministry of Defence clearly endeavoured to work on the underlying trust and confidence among the troops and to draw the right conclusions. The new Guidelines on Tradition and the Cultivation of Tradition in the Bundeswehr (Directive on Tradition) are proving their worth, and the principle of attaching greater importance to the Bundeswehr’s own tradition spanning more than 60 years is striking a chord.

Wherever extremist ideology, racism and anti-Semitism become visible, servicewomen and men are alert and comply with their duty to report it. In 2019, the number of relevant “reportable events” in the category of right-wing extremism rose to 197 compared to previous years (2017: 167, 2018: 170). Disciplinary superiors systematically pursued any resulting disciplinary offences; in the year under review the Bundeswehr *inter alia* prematurely dis-

missed 45 soldiers from service for extremist offences. This clearly shows that behaviour that is hostile towards the constitution has no place in the Bundeswehr.

Servicewomen and men whose behaviour is sexist also have to expect to be dismissed prematurely. The Bundeswehr does not tolerate any form of sexual harassment and investigates allegations seriously and thoroughly. The number of “reportable events” due to suspected offences against sexual self-determination totalled 345 in the year under review (2017: 235, 2018: 288).

The chaplaincies can always provide support in these as well as other matters of emotional distress. The tried-and-tested chaplaincy provided by the two Christian churches is now being expanded to include Jewish military chaplaincy following the signing of a national treaty in December of the year under review. This is a success. Now a swift chaplaincy solution is also needed for Muslim servicewomen and men.

In January 2019, almost 1,500 servicewomen and men helped and assisted the Bavarian authorities in combatting the snow masses there. The servicewomen and men involved showed the public that they can be counted on. Of course, this applies to the entire force - each and every individual contributes to ensuring the protection and security of the people living in Germany.

Public recognition is important, especially as the Bundeswehr is still not sufficiently visible in everyday life. So it is all the more pleasing that on 12 November 2019 - the anniversary of the founding of the Bundeswehr - for the first time since 2013, servicewomen and men publicly vowed and swore “to serve the Federal Republic of Germany faithfully and to bravely defend the law and freedom of the German people” outside the Reichstag building in Berlin. In his speech, Bundestag President Wolfgang Schäuble explained why the decision had been taken to have public vows, saying that “the Bundeswehr has a firm place in our free society”.

The decision to allow servicewomen and men in uniform to use rail services free of charge since the beginning of the year also promotes the visibility of soldiers in our society. Here, as in all other areas of the Bundeswehr, one hopes this can be done unbureaucratically!

In the year under review, the Office of the Parliamentary Commissioner for the Armed Forces processed 3,835 individual cases (2018: 3,939), including 2,459 personal submissions (2018: 2,534).

This slightly declining trend shows that uncertainties linked to restructuring and site closures in the past have largely been overcome. Legally, financially and socially, too, many things have improved for servicewomen and men. Other issues (operational strain, working hours, commuter army) came to the fore. In spite of all the automation efforts, complaints about errors and excessively long processing times for personnel matters remain an ongoing issue.

## 1. 60 years of the Parliamentary Commissioner for the Armed Forces

The year under review marked the 60th anniversary of the inauguration of the first Parliamentary Commissioner for the Armed Forces, Helmuth von Grolman. In honour of this anniversary, in May 2019 the Parliamentary Commissioner held a symposium at Liebenberg Manor House and Estate with national and international guests from the field of politics, the Bundeswehr and society. They discussed the past, present and future of the “citizen in uniform” as well as the principles of *Innere Führung* and the parliamentary army.

The conference proceedings are available at: [www.bundestag.de/60jahrewehrbeauftragter](http://www.bundestag.de/60jahrewehrbeauftragter).

“The Parliamentary Commissioners for the Armed Forces have helped the principles of *Innere Führung* to make their breakthrough. They have accompanied the development processes, waves of restructuring and reorientation of the Bundeswehr through all the upheavals. They have highlighted shortcomings and called for reforms. They have therefore quite rightly been called modernisers of the Army and the State”. With these words, Bundestag President Dr Wolfgang Schäuble paid tribute to the office of the Parliamentary Commissioner for the Armed Forces at the plenary sitting of the German Bundestag on 4 April 2019.

What today seems to go without saying faced very poor starting conditions indeed at the end of the 1950s. Inventing the office of the Parliamentary Commissioner for the Armed Forces was a process that was anything but smooth. It was based on a seemingly alien Swedish model and was the result of a compromise on matters of parliamentary rights. The German Bundestag spent three years searching for a suitable candidate. Lawyer or non-lawyer, longstanding military experience or not - much was in dispute. Once a candidate had been found and elected, he was initially perceived as a nuisance by the Executive and received scarcely any support from Parliament.

And today? If this office did not exist, it would have to be invented - I hear this view time and again, from the troops, from the Ministry, from Parliament. The office of the Parliamentary Commissioner for the Armed Forces has developed into a role model for other democracies. It is now part of our political culture.

Step by step, the past Parliamentary Commissioners for the Armed Forces successfully fought for and developed the rights and scope of action of the of-

fice. The annual reports attest to this, too. Between 1959 and 1972, the insufficiently defined oversight and review remit of the Parliamentary Commissioner gradually took on a broader meaning thanks to the “Principles of *Innere Führung*”, and became more concrete. The first annual reports were characterised by the idea of the Parliamentary Commissioner for the Armed Forces being the guardian of fundamental rights in the military sphere. Attention centred on the relationship between superiors and subordinates, disciplinary offences and corrective educational measures, and later socio-structural observations, too. The guiding principle of the citizen in uniform, as one can read in 1962 for instance, was honoured in the officer and noncommissioned officer corps by them increasingly being recruited from all social strata, with the report citing modern leadership principles based on educational science as a tool for implementing *Innere Führung* in the mid-1960s.

In 1968, the then Parliamentary Commissioner for the Armed Forces presented a 24-page concept on the principles of *Innere Führung* as part of his annual report, which became the working basis for the future oversight and review activities of the Parliamentary Commissioner. One of the central ideas still characterising the oversight work of the Parliamentary Commissioner today is that almost all conceivable factors shape leadership in the armed forces and thus demand the attention of the Parliamentary Commissioner: the development of equipment and technology, role-appropriate career structures and in-post appraisals with compelling performance incentives, matters relating to qualified initial training and follow-on training, care aspects, troop-friendly administration and a modern military career profile.

Up until the mid-1960s, however, the Bundestag and the public took little notice of the annual reports by the Parliamentary Commissioner. The reports were not public. It was not until 1964, when Parliamentary Commissioner Hellmuth Heye forced the publication of the annual reports, that the prerequisites for them to receive political attention and examination were established, and it was not until the mid-1980s that Parliament started requiring the Ministry of Defence to comment on the annual report within the space of one year. Since then the Executive, too, has listened to the Parliamentary Commissioner’s recommendations and advice.

Over the years, the Bundeswehr has implemented many of the suggestions by the twelve Parliamentary Commissioners for the Armed Forces, on both a small and large scale, not necessarily immediately - but stubborn insistence has in many cases finally led to the identified shortcomings being eliminated and the situation improving for servicewomen and men.

This is contrasted, though, by issues that have occupied the incumbents of this office time and again over the years and are still relevant today.

At the very top of this agenda is the criticism of shortcomings in the civic education of servicewomen and men, as cited in many annual reports since the 1970s. In his 1976 annual report, for instance, Parliamentary Commissioner Karl-Wilhelm Berkhan wrote: “Civic education in the armed forces should make the standards and realities of the free democratic basic order of the Federal Republic of Germany clear to the soldier and make the purpose and necessity of his service understandable. Based on this guiding principle, I have found that in the design of civic education in the armed forces there is still a considerable gap to be narrowed between theoretical standards and practical implementation”. In short: not just being able to fight, but also knowing what for.

The accommodation situation for servicewomen and men at the barracks has also been a stumbling block over the decades and in some cases is still dissatisfactory today. The 1979 annual report states: “Despite the fundamentally positive findings, I must emphatically criticise the fact that after almost 25 years of the Bundeswehr, soldiers are still being placed in accommodation that must be rated as ranging from ‘inadequate’ to ‘unfit for human use’”. The report then cites ceilings and walls infested with mould, loose plaster, buckled floorboards and appalling toilets. Page 52 of the current report is recommended reading for comparison.

The housing situation for servicewomen and men off military properties, in particular in conurbations, also continues to be problematic to this day. Whilst in earlier years the problem was housing for military families who were relocating, it has since shifted to a lack of housing for commuters.

Another problem the Bundeswehr has not yet fully resolved is the shortage of personnel in the Medical Service and the frequently sub-optimal medical care for service personnel this entails. Back in his 1967 annual report, Parliamentary Commissioner Matthias Hoogen already criticised a distinct shortage of specialist doctors which could not be compensated for by contracted civilian doctors. Many of the subsequent annual reports also highlight the problem, which applies not just to doctors but also other medical personnel.

Finally, the topic of bureaucracy should be mentioned. A phenomenon that plagues the Bundeswehr, like other public services. One might well have the impression, however, that the Bundeswehr is suc-

ceeding in creating ever new versions of it. The 1967 annual report states for instance: “The number of service regulations, directives and orders and their addendums in the Bundeswehr have reached such proportions that it is now almost impossible for the superior to make sure he is abreast of all the provisions he needs to know himself. From what I have observed, this leads to uncertainties in service as well as avoidable strain and procedural risks for the superior in disciplinary and criminal matters”. The pleasure the mainly younger superiors took in their work was suffering as a result, the Parliamentary Commissioner lamented.

Sometimes looking back to the past helps shape a better present and future. The Bundeswehr should perhaps do this occasionally, too. Many of the challenges it faces today are not new, after all. What is more, there are difficulties for which good solutions have actually already been found. In 1978, for instance, the then Minister of Defence, Hans Apel, tasked a commission with “identifying undesirable bureaucratic developments in the Bundeswehr in order to be able to strengthen command and control capabilities and decision-making responsibility at all levels”. The report by what became known as the “De Maizière Commission” that was presented one year later is still pertinent today. It indicates a need for “greater individual responsibility and self-responsibility” as well as “joint responsibility for the whole”, it makes proposals for extending the discretionary scope and decision-making latitude of the lower and middle command echelons in the Bundeswehr. Finally, it presents possibilities for decentralising command and leadership responsibility with a view to achieving swifter decisions at all leadership levels.

## 2. Necessary internal reforms and the “*Innere Führung* – Today” programme

A prime example of *Innere Führung* in action at the Bundeswehr is the “*Innere Führung* – Today” programme, which Defence Minister Ursula von der Leyen instructed to be established in her order of the day on 10 May 2017. The aim was to conduct a broad-based study of the underlying conditions under which the Bundeswehr is currently led and managed. From September 2017 to November 2018, a total of 41 workshops brought together 770 military and civilian leadership personnel from all the major organisational elements, including several first sergeants and representatives of junior-ranking personnel. Chiefs of Staff, presidents and ministerial Director-Generals were involved.

This was not an organisational analysis conducted from the outside this time, by scientists or business consultants for instance, but a sort of self-study by the Bundeswehr: What is the actual situation? What would we like it to be? What is not working? This is probably unprecedented in this form. Key open questions such as “What prevents you from leading well?” encouraged open answers. The result is an honest, problem-conscious, no-holds-barred assessment of the situation, which could be an ideal source of legitimacy for the internal structural reforms urgently needed at the Bundeswehr. There is a broad consensus among the troops and the military administration calling for better structures.

However: There are no official findings. Even upon enquiry, the existence of a final report is denied. There are only chart presentations, individual projects and further scheduling road maps, now compiled with the assistance of the in-house operation “BW Consulting”, it is claimed. The aggregate findings are evidently being kept under lock and key.

On 1 February 2019, the Advisory Council on Leadership Development and Civic Education was tasked with issuing its own recommendations on the findings of the “*Innere Führung - Today*” programme (which it has since done). A version (“unapproved draft”) of the ministerial “final report”, which is available to the Parliamentary Commissioner, is dated the same day. However, the Ministry contests the existence even of a draft that has not yet been approved by the leadership, even when specifically asked at the end of the year under review. This approach towards the findings of such a special, very complex analysis project does not do justice to the committed contributions of the many servicewomen and men involved.

How important the category “trust and confidence” is to good leadership, for instance, is demonstrated in Section 302 of the draft report: “It is generally assumed that higher echelons have greater decision-making powers and could therefore do something about the obvious and known shortcomings. As this often does not happen enough in the opinion of the workshop participants, the perceived inaction is judged as poor leadership on the part of higher command echelons. There is hardly ever the reflection that even high ranks and leadership personnel are often unable to have an impact due to the many transversal competencies and shared responsibilities in all areas, or if they are, then only with a disproportionate amount of effort and persuasion. This is severely shaking trust and confidence in the Bundeswehr leadership as a whole. A lack of trust and

confidence in the capabilities of its own organisation can be felt in all areas of the Bundeswehr”.

With regard to the underlying conditions (Section 301) the draft report states in summary: “The underlying conditions currently encountered in the Bundeswehr make good leadership difficult in many respects from the perspective of the workshop participants. This is mixed with the feeling of a certain powerlessness in the face of organisational structures that share responsibility and entail an unclear division of competencies. In many areas, the personnel, materiel and time required for good leadership are lacking. What is more, a high level of regulation leads to very limited scope for action at all leadership and command levels. The actions of superiors take place in a constant trade-off between what is considered necessary for good leadership and what the underlying conditions allow”.

With regard to mission, forces and resources (Section 304) it states: “In many areas of the Bundeswehr, the mission and available resources do not match. The workshop participants report that, whilst usually all the necessary resources are provided for deployments and quasi-operational commitments, this usually happens by pulling together personnel and materiel from other (often many different) units and formations. The workshop participants emphasised that there was basically no alternative to this approach for the time being and that it meant that at least during deployment servicewomen and men did not lack personnel and materiel. The Bundeswehr was excellently equipped here, they reported, and among the leaders in international comparison. This essentially also applied to training prior to deployment. However, this practice meant even greater restrictions for units not designated for deployment. This then led to shortfalls during training and exercises all the way to a complete loss of capabilities. This was further exacerbated by having to limit working hours, often the only way to compensate for structural and materiel shortcomings”.

Under the heading “Structures and Processes” (Section 305), the draft of the final report notes: “The workshop participants voiced the criticism that the Bundeswehr’s mission situation was set to increase rather than decrease in the coming years due to the readiness initiatives of the NATO Alliance, our European endeavours and international crisis and conflict management missions. (...) The robustness, clear division of responsibilities and staying power a large military organisation needs were missing. There was a lack of organisational elements acting under their own responsibility with rapid response capabilities thanks to structurally available resources,

they criticised. This often meant that special organisations had to be set up to fulfil the mandate. The personnel for this could not be provided from the current command and leadership structures, which meant it had to be taken out of the force. At the same time, weaknesses were apparent in terms of producing timely decisions in the broad ministerial consensus and involving the area hierarchically below this. This often resulted in there being no clear leadership and instead the solutions with the least negative impact on one's own area being sought in a kind of 'council of consensus'. Since the shortfalls in 'mission, forces and resources' could only be solved in the medium to long term, at least short-term adjustments to or review of structures and processes seemed indispensable".

In Section 306, criticism is levelled at the inadequate internal communication: "Often it was criticised that important information could only be obtained from the press and not from the leadership".

The draft report specifically states that the contributions from the different major organisational elements can be applied in general: "At the workshops held by the Working Group on *"Innere Führung - Today"* very similar, if not to say even identical obstacles to good leadership were cited by junior ranks, noncommissioned officers and officers all the way to Chief-of-Staff level as well as the comparable civilian levels. As to be expected, the focal points differed, but the amount of overlap, i.e. the coinciding observations and conclusions, was almost surprising. Since the workshops were held with members of all the major organisational elements, the aggregated statements on the obstacles to good leadership in the present report are also overarching, that is to say they affect all major organisational elements - with different nuances but in principle the same".

Chapter 5 of the draft report on fields of action and intended measures states *inter alia* the following on the perception of the situation on "Catalogue page 1-01": "As the troops perceive it, there is still a considerable mismatch in the forces and resources for the current missions (...). The result being a feeling of permanent strain at all levels at the limits of what is still possible. Materiel shortfalls and the high number of unfilled posts were making it almost impossible to adequately tackle the deployment and training burden, in their view. In purely quantitative terms, there seemed to be sufficient personnel available, but the capabilities required of the troops in the field and the skills actually available for the respective mission did not always match. There was hardly any military force going on deployment in its original structure or with its original crew. Substitutes always needed to

be found for vacant posts, large numbers of specialists brought in and structures reorganised".

The draft report cites as the first of all the measures proposed in the workshops: "The responsibility for resources in the domains of materiel and personnel should be handed back to those responsible for the execution of the mission. Cross links to resource managers should be minimised and structurally redefined". This must indeed form the heart of the internal reforms now due: from centralised and specialised responsibility structures to holistic leadership by those in charge of missions, the commanders (and commanding officers and first sergeants).

The suggestion is also made that "robust structures should be planned for personnel and materiel to be able to compensate for unplanned gaps (provision of personnel for deployments, training etc.). Personnel gaps should be closed 'from below'; lower levels need to be prioritised. The operational workload should be based on a mission ratio of 1:5 in order to avoid placing excessive strain on individuals".

These are existential matters for service in our armed forces, presented by the members of the Bundeswehr themselves. Including our citizens in uniform in the reform process now necessary would be exactly the right approach to quickly achieve practicable and substantial structural improvements that also meet with acceptance. Making the internal reform of the Bundeswehr an *Innere Führung* project, asking and involving servicewomen and men - that would constitute cutting-edge political leadership today. It is not too late for this. The situation analyses and reform proposals from the *"Innere Führung - Today"* programme are available, as is the advice of the Advisory Council on Leadership Development and Civic Education. They should not be kept hidden. They impact the big picture. The entrenched ministerial obsession with detail, on the other hand, does not hold the solution to the Bundeswehr's misery, as the soldiers themselves describe it. It takes courage to make decisions. And the time is now.

### **3. Administrative management and digitalisation**

As borne out by the conclusions of the workshops on the *"Innere Führung - Today"* programme, for a long time now it has not been a matter of individual regulations being excessive, but rather excessive micro-management of the entire Bundeswehr apparatus. Commanders complain that increasing bureaucracy in all areas is increasingly encroaching on operational flexibility. Strict execution of processes has become more important than the operational

goal. This means a “**reversal in mentality trends**” is urgently needed at the Bundeswehr: Too many units and agencies have to be included in decisions, right from the lowest level. This paralyses and frustrates the servicewomen and men. Decision-making competencies and responsibility for resources need to be assigned more clearly to the force again, for personnel, welfare, maintenance and servicing and (in part) for infrastructure.

The Federal Office of Bundeswehr Personnel Management currently decides everything on its own for all **processing of personnel matters**. In spite of this, there are thousands of other servicewomen and men, ranging from the level of company to battalion, brigade and division all the way to headquarters, specifically dealing with the processing of personnel matters. The Federal Ministry of Defence is unable to immediately put a figure on exactly how many there are. In the personnel management system, 6,700 filled posts (5,100 soldiers, 1,600 civilian employees) are labelled “personnel”. This figure is not very meaningful, though. In all subareas of the processing of personnel matters there are posts that are not marked accordingly. Add to this the administrative and support roles that are necessary to maintain normal operations in the entire current personnel management set-up. Far more than 10,000 Bundeswehr members probably serve in this area altogether. As things stand today, those in charge locally are hardly allowed to make any decisions. And yet they could take care of many things themselves, at battalion level, for instance, such as whether the enlistment term of a junior-ranking soldier should be extended or whether he or she is suitable for a career as a sergeant. More personal responsibility, more decision-making at the individual level, more trust and confidence in superiors at troop level - as the “**DeMaizière-Commission**” called for almost 40 years ago - would accelerate sluggish and paralysing processes, free up capacities and fuel a solution-oriented mindset among troops.

Commanders and heads of agencies were given slightly more individual responsibility in the year under review, by the Bundeswehr providing them with €25,000 to make unplanned, urgently needed purchases. The only regrettable thing was that the short-notice provision of the new funding under the budget item “materiel preservation” considerably limited its use – the field units could not use it to pay for tools for instance, the Parliamentary Commissioner was told. It will not be until 2020 that the underlying conditions will be in place to allow the funds to be used more broadly. Nevertheless: The new **hand money** is a positive signal.

But what commanders have to battle with above all is the “pillarisation” resulting from too many hermetically sealed-off organisational elements, both military and civilian. Currently, if a commander wants to practice with his formation, he has to put together medical and rescue, logistics, IT, accommodation and food from different parallel universes. In a way, he is commanding a formation with arms and legs, but without a heart and lungs. Out-of-area missions abroad with modestly sized German contingent contributions to a multinational mission can be supplied from this structure more or less reliably. But for collective defence in Europe - now the Bundeswehr’s second main task since the 2014 NATO summit in Wales - organic formations would be far more suitable. Ultimately it is always a matter of effectiveness, too. Given the huge sums German taxpayers spend on their armed forces, the operational readiness of the Bundeswehr as a whole is remarkably low. Other armies of comparable size have a better “tooth to tail” ratio.

A tendency towards **excessive micro-management** is reflected, *inter alia*, in the 42 special organisational elements with high-ranking staff that the Ministry of Defence has created in recent years in addition to those already in existence: four Executive-Level Boards, nine Management Panels, nine coordination groups, eight working groups and twelve other organisational forms, from steering groups to steering committees all the way to special commissioners.

The Bundeswehr considers itself well prepared for comprehensive **digitalisation** as a task for the future, both conceptually and organisationally. Conceptually, it has laid the foundations, for example, with the “Strategic Guidelines for Digitalisation” and the “Digital Bundeswehr Implementation Strategy”. In organisational terms, decisions have been made with the establishment of a major military organisational element called the Cyber and Information Domain Service. Recruiting and retaining personnel, bolstering digital skills or developing a digitalisation platform are some of the priorities until the end of 2020 and probably beyond defined by the Ministry of Defence itself. The Bundeswehr is doing a great deal here and certainly getting many things right. Whether it was right to integrate the Cyber Innovation Hub, an interface between the start-up scene and the Bundeswehr, into BWI GmbH, the central IT service provider of the Bundeswehr, as a subordinate department remains unanswered. It is to be hoped that its agility does not suffer.

What has been largely lacking to date, however, is the institutionalisation of a process of critical reflection on all digitalisation and connectivity efforts. Nothing is more sustainable than a risk and technol-

ogy impact assessment that comes straight from the users themselves - the servicewomen and men. The digital transformation gives rise to concerns, reservations and fears, and the Bundeswehr is no exception. This must not be ignored. The Bundeswehr will only be successful in mastering this transformation if the servicewomen and men not only cognitively but also emotionally believe in digital progress and feel responsible for it. And if digital things work. Too often this is not the case unfortunately - something service personnel experience on a daily basis, for instance when using SASPF (Standard Application Software Product Family).

60,000 members of the Bundeswehr now use **SASPF**, a Bundeswehr project to introduce standard business administration software. The original plan was 45,000. Whilst this brings the Bundeswehr closer to its objective of replacing the former multitude of different IT systems with an integrative IT architecture, the fact remains that armed forces continue to experience the cultural change associated with the changed processes not purely as positive progress. This may explain - as was reported in a media article - why internal auditors from the Ministry found that personnel were dealing with the accounting rules prescribed in the system in a non-process-compliant or at least lax way, including in the areas responsible for military procurement, jeopardising effective operational oversight.

In 2019, information repeatedly reached the Parliamentary Commissioner which raised questions about digitalisation efforts potentially heading in the wrong direction.

- *In August 2019, for instance, Navy special forces criticised the fact that the automated person search 2.0 on the Bundeswehr Intranet displayed their real names from the personnel management system. In mid-July 2019, the Bundeswehr had issued a service regulation for employees working in areas requiring special protection but not implemented it yet as risk analyses still had to be carried out in the IT systems. Those affected could be protected again immediately, it was stated, by using a marker that could be easily applied in the SASPF system, but then they would no longer be able to be found in the system. This makes processing of personnel matters and internal communication within the Bundeswehr more difficult. The Ministry of Defence has stated that continuing to make this possible would be technically very complex and time-consuming.*

This example demonstrates what impacts digital connectivity can have when a specific service is the data source for numerous other functions. It also

shows how seemingly sensible centralisation in one place - for master data maintenance in this case - can easily trigger additional work in other places. This must always be taken into account.

For all those who believe that digitalisation always leads to faster and better results, the Navy Chief of Staff published a photo from his native city of Lübeck on his official Twitter account in late September 2019: It shows two marzipan pigs. A 3D printer had taken 60 minutes for the one rather unsightly marzipan pig, the other had been created by hand in five minutes - far more detailed and pleasing to the eye.

And this is bearing in mind that the planners from the Bundeswehr Logistics Command describe the project "Use of additive manufacturing processes" (3D printing) in the Bundeswehr logistics system as the most advanced. A field test had been so successful, they said, that structured 3D-printing capability development was now being initiated at the Bundeswehr.

Servicewomen and men are critically following the understandably necessary **switch from SAP/SASPF** to a new version. In January 2019, BWI GmbH published an advertisement on the subject, intended to arouse interest among specialists: "In order for the automatic updates from the manufacturer to take effect, SAP customers need to reset the individual adjustments they have made to the software back to the SAP standard wherever possible. The Bundeswehr has about 40,000 such customisations - even for seasoned SAP experts, this must be an unprecedented magnitude. What is more, over 60,000 Bundeswehr members already working with SASPF today will have to be trained to use the new system."

A comment evidently originating from the Bundeswehr asks: "Is it a case of the technician supporting the software so that the SASPF system can run, or the software supporting the technician so that he can repair the aircraft? We have to finally put a stop to highly trained, qualified aircraft technicians serving as the 'implementation lackey of software that is not fit for purpose' so the overall SASPF system can function.

The "12th cpm User Forum for Logistics / Log.Net 2019" held in mid-February 2019 in Sankt Augustin addressed the **self-sufficiency capability of SASPF** that has been called for. With the SASPF project "Logistical IT support for class 125 frigates", the Bundeswehr has initiated an important pilot project, so the Ministry of Defence, which is currently in the process of implementation and which is scheduled to be completed by 2020. According to the Ministry,

this project will create a self-sufficient solution in SASPF for the main logistics processes. Building on this, the self-sufficiency capability of other implementation steps is then to be developed. This still does not answer the question as to how it will be ensured that class 125 frigates remain operational if the SASPF system fails. Given the growing significance of the SASPF system for all Bundeswehr processes, however, the reach of this question goes far beyond the example of the F125. A potential enemy could also deliberately cause a system failure. The Bundeswehr knows this but has yet to find a convincing solution. The knee-jerk reaction is to either repeat that the systems need hardening or to curtly retort: “It won’t happen!”

During a visit to the troops in Mali in August 2019, servicewomen and men reported some challenges they were facing in their daily work as a direct result of digitalisation to the Parliamentary Commissioner: The **network capacities** available for their work were limited, they said: “Just quickly doing something – that’s totally impossible”. When SASPF transferred the data in decompressed form you could watch the letters being created on the screen: “It really gets on your nerves!”

In some cases, it only becomes apparent upon closer examination that a problem brought to the Parliamentary Commissioner’s attention is also linked to the SASPF system.

- *One petitioner wrote, for instance, that the troops had to wait a disproportionately long time before equipment handed over to the army maintenance logistics provider (HIL GmbH) for maintenance and servicing could be used again. It transpired that the procedure for documenting the equipment handover takes place in the SASPF system. In this specific case, the problem was the many parties involved and the numerous process steps that had to be undertaken in posting the return of the equipment - all within the Bundeswehr. The Bundeswehr had realised this and already adapted the process at the end of 2018, but it was still impacting the GTK BOXERs addressed in the submission in summer 2019 because they were already at HIL GmbH before the process change and were not included in the change.*

The link between personnel capacities and the SASPF system was also something servicewomen and men addressed during a field visit to the Bundeswehr Logistics School in Osterholz-Scharmbeck: in April 2019:

- *180 course types of different lengths are offered there. However, courses were sometimes cancelled due to a lack of instructors, which was particularly*

*problematic for the training programme to qualify as a “materiel manager” (sergeant/NCO). The business process of materiel management required knowing how to use the SASPF operating system and extensive knowledge of regulations and procedures for combat service support and basic operations. As military training personnel were only available in very limited numbers, civilian personnel from BWI GmbH increasingly had to be used. Whilst they had excellent knowledge of the SASPF system, they were not always familiar with military operations and procedures at the various logistics levels.*

SASPF also caused difficulties in the timely payment of the foreign assignment allowance for soldiers in the German Baltic Air Policing contingent. Since June 2017, members of the Bundeswehr have also been entitled to this allowance for quasi-operational commitments. Since then, however, the Ministry of Defence has not managed to re-programme and implement the functions to enable payment of the **foreign assignment allowance** in the SASPF personnel management system. In cases like these, the soldiers affected should perhaps be able to receive the foreign assignment allowance in cash from the accounting officer.

The desire for a **paperless office** linked to the introduction of the SASPF system has not been met either. The opposite of a reduction in bureaucracy has been the upshot, commanding officers and first sergeants in particular repeatedly complain. The ‘watch your own back’ mentality in the Bundeswehr meant that there were routinely requests for information and reports actually already stored in SASPF and which the higher leadership could theoretically directly access itself, they reported.

In everyday work, one repeatedly hears, digitalised process management is currently leading above all to longer lead times and a need for earlier requests and increased communication.

- *There were reports from the 1st Armoured Division in Oldenburg that IT infrastructure was having to be requested at least one year in advance. At the same time, only about 50 per cent of the planned IT materiel was available. This meant that training materiel for high-value training courses was missing, and even smaller items, such as partition walls, that were not in stock were only available from the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services, for instance. At the time of Parliamentary Commissioner’s visit, the request for a smartboard had been at the Army Headquarters for three quarters of a year awaiting a decision.*

This is how minor things turn into a major administrative feat. More flexible solutions are needed - especially since the long lead times of IT projects in particular can lead to the technology already being outdated by the time it is implemented.

- *During several field visits, soldiers criticised the huge quantities of **passwords** required by the growing number of PC applications together with the respective user ID in order to sign on. Whilst some users reported that they had created their own lists with their respective login data for the computer, encryption, Lotus Notes, PrimeWeb to record working hours, the Internet, Intranet, SASPF and STIEWI for travel management, others solved this problem by choosing an identical password for all applications.*

Both scenarios show that the multitude of applications with separate log-ons has become very complex, not to say cumbersome. Add to this different specifications for run times and user IDs, for example, depending on the application, first name and last name or last name and first name or personal identification number, leading to the soldiers also noting on their lists which data they use to log in exactly in which order to avoid accidentally blocking their access. This gives rise to the question as to whether this then actually leads to greater IT security than **single sign-on solutions** allowing a user to access all computers and services he or she has local authorisation for from the same workstation after one-time authentication at a workstation. The confusing and cumbersome need to sign on to the individual services is then no longer necessary.

The trend towards referring people to digital services instead of actively passing on information down the hierarchy is also something to be viewed critically – for increasing numbers of regulations: “It’s all on the Intranet” seems to be the mantra. This thinking meant that whoever was not informed about any changes had themselves to blame, so the criticism from servicewomen and men on various occasions.

The Office of the Parliamentary Commissioner for the Armed Forces also occasionally needs information from the Bundeswehr **Intranet** and found that the provision of access has been hugely delayed by increasingly excessive regulation:

*In October 2016, the Office was informed that in the future access to the Bundeswehr Intranet would only be possible with a PKIBw card (Public Key Infrastructure of the Bundeswehr). Furthermore, the Office would need a keyboard with a card reader function and the software NEXUS Personal - to be procured by the Bundestag Administration. To obtain a PKIBw card, it was necessary for personal data to*

*be recorded in the Bundeswehr personnel management system, and for all authorised users, a personal data form for non-Bundeswehr members had to be completed and sent to the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. Two of the Parliamentary Commissioner’s staff were first given test workstations on which the software - still without PKIBw cards - worked. In May 2017, the Federal Office was then supposed to provide two PKIBw cards in order to be able to conduct the final test. This required a colleague from the Catholic Military Episcopal Office, who has access to the Bundeswehr personnel management system and who was able to enter the requisite data there, to provide inter-agency assistance. After several reminders from the Office of the Parliamentary Commissioner to the Federal Office, the colleague from the Catholic Military Episcopal Office received the cards in December 2017, where the Parliamentary Commissioner’s staff collected and signed for them. Dialling onto the Intranet with the cards did not work, however, due to technical difficulties - a general problem that apparently affected all non-Bundeswehr personnel requiring access to the Bundeswehr Intranet. It was not until October 2018 that the difficulties were resolved by the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support. In November 2018, the Office of the Parliamentary Commissioner applied for access cards for ten additional workstations in the same way as for the test cards. It received these in July 2019, but this time it was not possible to sign on using the new cards. They had since been equipped with 4K certificates. The VPN gateway, however, via which parts of the Bundeswehr Intranet are accessed, only operates with 2K certificates, like the test cards had. The system was still not fully functional by the end of the year under review, three years after the cards were first applied for.*

The introduction of a new **corporate design** at the Bundeswehr was not without problems either:

- *Servicewomen and men complained that they had had to use the new design presented in April 2019 without a transition period. In the short time available, the necessary technical adaptations and user training courses had not been able to be implemented at all agencies and units. Many users felt overwhelmed by the 90-page manual and felt there was a lack of qualified points of contact and support, for instance when designing a Power Point presentation in line with the new specifications.*

This is the opposite of making people feel secure in their actions at all levels. The fact that the new standardisation was supposed to be more all-encompassing than before does not improve across-the-board acceptance either: Business cards for the Navy leadership in polygon camouflage print (this is a specially developed multi-camouflage pattern) instead of the customary navy blue or a programme for “Kiel Week” with a maritime photo framed by polygon camouflage print caused consternation among many attendees and a certain hilarity during presentations. Other consequences of the **polygon camouflage print** rules are a higher consumption of printer ink during printing and a considerable increase in the file size of slide-based presentations. If, for example, the first page consists of the title of the presentation, the rest of the page does not remain white but instead consists of the camouflage print graphic. The attempt by the Federal Office of Bundeswehr Personnel Management to send the Parliamentary Commissioner its President’s presentation, which had been duly designed in line with the standardised corporate identity, electronically in the context of his visit there in September 2019 seems to have failed due to the file size, for instance.

The examples above demonstrate that the Bundeswehr should not digitise everything that already works well, reliably and cost-effectively in analogue format. Nor does it have to connect everything if this makes processes more complicated and lengthier. Connectivity comes with a certain vulnerability, that should never be forgotten. And finally, as already noted in previous annual reports: greater informational restraint. No need to send every piece of information to everyone! Leading remains a hierarchical process tied to specific people, and responsibility cannot be delegated to bits and bytes.

#### 4. The Bundeswehr’s financial resourcing

The reversal of financial trends is characterised by positive and negative aspects. Whilst in 2014 the defence budget totalled €32.4 billion (2015: €33 billion; 2016: €34.3 billion; 2017: €37 billion, 2018: €38.5 billion), the 2019 budget grew to €43.2 billion. Never has the defence budget risen so sharply in the space of one year since 1990. For 2020, the German Bundestag has approved defence spending of €45.1 billion.

In 2019, the share of the Bundeswehr budget spent on defence investments increased by €2.2 billion compared to 2018. Only half of this substantial increase was actually disbursed in the year under review, though. €8.3 billion was earmarked for **military procurement** as well as for research, develop-

ment and testing, the amount actually disbursed was €7.2 billion. Given the many still unsatisfied equipment needs it represents, this unused “remainder” of €1.1 billion is painful for the Bundeswehr’s service-women and men. At least some of this money was able to be reallocated during the budgetary year, for instance to increase the capital of federally owned companies. €500 million from 2019 will flow into the new “Reserve to guarantee multi-annual planning and financing security for defence investments”, which is expected to bolster the 2021 budget. According to the Ministry, the reason for the insufficient outflow of funds for defence investments was *inter alia* delays in the F 125, MKS 180, PUMA and BOXER programmes.

Since the **methodology behind the defence budget** has been changed from time to time in the past, additional money does not always and without exception go to closing the funding gaps for personnel and materiel. Since 2006, for instance, pension benefits for former members of the Bundeswehr have also been part of the defence budget (before: Ministry of the Interior). This is bearing in mind that spending on pensions and other benefits of this nature (for instance disability pensions and benefits) for service personnel and civil servants in the Bundeswehr amounted to just under €6 billion in 2019 (2015: €5.5 billion) - and the trend is an upward one.

To create a material incentive to rapidly surrender and vacate properties no longer needed when the German armed forces were being downsized as a whole, since 2011 the Bundeswehr has been paying rent for the buildings and land it uses. The Bundeswehr’s real estate properties have been transferred to the Institute for Federal Real Estate (BImA). As a result of this, the €2.6 billion the Bundeswehr transfers to BImA each year are not primarily used to fulfil the mandate of our armed forces in the stricter sense of the term. The two examples highlight that a critical assessment of the way the defence budget is currently compiled is by all means necessary if it is to be used as a yardstick for the Bundeswehr’s operational readiness. The political motive behind the introduction of **BImA rents**, for instance, can be expected to no longer apply in times when moderate growth rather than contraction is required. Today, the Bundeswehr needs additional barracks space, not a budgetary incentive system (left pocket/right pocket) for barracks closures.

Another figure that always plays a role in the political debate on defence spending is the **NATO ratio**. This is calculated based on the share of gross domestic product (GDP) spent on defence. Based on this, the ratio has risen in recent years: from 1.18 per cent

in 2014 to 1.23 per cent in 2018 to 1.36 per cent in 2019. The Federal Government has told NATO it will spend €50.3 billion in 2020, which would be a projected 1.42 per cent of GDP or even more if the projections for Germany's economic growth were to be further revised downwards. Based on its own statements (and what it has reported to NATO), the Federal Government is aiming for a rate of 1.5 per cent of GDP by 2024 and two per cent by 2031. Although in recent years the defence budget has always increased more than the Federal Government had planned – with Parliament approving more than the Government had requested – the development of the defence budget currently planned in the medium-term financial planning alone will scarcely suffice to achieve a rate of 1.5 percent by 2024. So far, however, this medium-term financial planning has been routinely exceeded by the Government's draft Budget Acts, though only from year to year, and not in a way that facilitates planning for those in charge of the budget at the Ministry of Defence.

In addition to the defence budget, the Federal Ministry of Defence usually also reports a not insignificant proportion of other departments' budgets to NATO: an additional 2.3 billion in 2014 (at current exchange rates), 2.9 billion in 2015, 3.3 billion in 2016, 3.3 billion in 2017, 3.26 billion in 2017, 3.6 billion in 2018 and 4.65 billion in 2019. In 2020, this additional sum will even reach €5.3 billion. In the defence spending reported under NATO criteria, the Federal Government also includes spending in connection with peacekeeping measures, for instance from the budget of the Federal Foreign Office, funds from the economic cooperation budget, child benefits paid to civilian employees of the Bundeswehr and benefits paid to former soldiers of the National People's Army of the GDR. Other NATO members have a similar policy. France, for instance reports certain sums spent on its fire brigades and the national gendarmerie. Countries like Lithuania and Latvia count parts of their transport infrastructure towards the NATO ratio. What is striking about the figures from Germany, though, is that the reported additional expenditures are growing far more rapidly (more than doubling between 2014 and 2020) than actual defence spending on the Bundeswehr. This policy may help achieve a higher NATO ratio, but it is of no benefit to the Bundeswehr and the servicewomen and men themselves.

## 5. Reversal of the personnel trend

Over the past 35 years, the staffing levels of the Bundeswehr have been subject to several opposing changes of direction. Whilst it reached a maximum

of 495,000 active servicewomen and men in the mid-1980s, its numbers declined very significantly and continuously following the end of the Cold War. The Two Plus Four Treaty stipulates that the armed forces in a united Germany are not permitted to number more than 370,000 servicewomen and men. Parliamentary decisions, such as the Act on the Adaptation of the Armed Forces' Personnel Structure helped advance the reform process essentially aimed at **downsizing**. Under the 2010 personnel structure model, the Bundeswehr only had a target force size of 250,000 servicewomen and men. With the realignment of the Bundeswehr in 2011, the new target figure was 185,000 servicewomen and men, including several thousand reserve posts. Compulsory military service was suspended. Further rounds of downsizing were already on the horizon. The Bundeswehr reached its lowest level in June 2016: 166,500 active soldiers.

The remaining force size does not give the Bundeswehr the necessary personnel to cope with its continuing commitments on missions abroad and the revived mandate to participate in collective defence in Europe. In May 2016, the Federal Minister of Defence therefore proclaimed the "reversal of the personnel trend". Since then, the Bundeswehr tanker has been changing course: It is now to sail in the opposite direction and grow its personnel – as quickly as possible. However, practical problems and mental difficulties in breaking away from the decades-long downsizing trajectory make this change of course a particularly strenuous feat. The effort is considerable. Here, too: without a "reversal of the mentality trend" growth will not be possible.

The Bundeswehr is offering numerous new incentives to attract lateral entrants, re-employed personnel and reservists. This policy is correct. But it must not lose sight of the core troops in all of this. **Long-serving personnel** wonder which incentive programmes actually apply to them. The rapid increase in lateral entrants, re-enlistment bonuses for temporary-career volunteers and improved benefits for reservists are issues that often lead to a perception of unequal treatment among existing personnel. The fact that measures to enhance attractiveness do by all means include improvements for existing personnel is sometimes overlooked. Nevertheless, it is important to perceive this mood among the troops and to materially show appreciation towards core personnel.

At present, the total force for the year 2025 has been set at 203,000 servicewomen and men (186,000 career soldiers and temporary-career volunteers, up to 12,500 completing voluntary military service and

4,500 reserve soldiers). At the end of 2019, the Bundeswehr's military personnel totalled 183,667 active servicewomen and men. Out of these, 53,965 were career soldiers, 121,365 temporary-career volunteers (175,330 in total) and 8,337 military service volunteers. The minimum target of 174,800 career soldiers/temporary-career volunteers the Ministry set itself has thus been met.

When it comes to the **applicant situation** in 2019, the picture is a varied one. The downward trend of recent years (2016: 58,439 applicants; 2017: 56,940; 2018: 52,200) did not continue in 2019. At 53,100 applications the figure was slightly up. Nevertheless, it is the second worst result since the suspension of compulsory military service. There were 11,080 officer applications in 2019 compared to 10,200 in 2018, and 31,000 applications for the junior ranks/temporary-career volunteers and sergeants compared to 31,350 the previous year. There were 11,100 applicants for voluntary military service in 2019 (10,700 in 2018).

In 2019, a total of 20,172 new servicewomen and men were appointed to the Bundeswehr. This is significantly fewer than in 2017 (23,410) and 2016 (23,582), but still 170 more than in 2018 (20,012), a tiny plus of 0.8 per cent. This may meet the Ministry's planning targets, but demand is actually far greater, as the statistics on staffing shortages attest.

The number of temporary-career volunteers **appointed** in 2019 (2018) was 2,107 (2018: 2,062) for officers and 2,124 (2018: 2,559) for specialist sergeants, 848 (2018: 891) for senior NCOs in the line service, 2,395 (2018: 2,278) for junior noncommissioned officers, 5,056 (2018: 4,963) for junior ranks/temporary-career volunteers and 7,642 (2018: 7,259) for military service volunteers. The Ministry of Defence itself describes the recruitment result in 2019 as "very good", arguing that the positive trend in 2018 is continuing, and that this is impressive in particular against the background of competition on the labour market and demographic change. Given what continues to be the difficult applicant situation, even though a minimal increase was recorded in personnel recruitment in 2019, this assessment is surprising.

Even the targets set for junior-ranking personnel and senior NCOs in the line service, for instance, could not be fully met with the current applicant figures. Recruiting experts remains difficult in the flying branch, in health care, in the field of electronics and generally in many other occupations and careers, particularly technical ones.

A host of candidates who had received a letter of appointment and were scheduled to start did not take up their duties. The Bundeswehr stated it had no statistical information on the reasons behind this.

Greater cause for concern arises from the number of servicewomen and men recruited that the Bundeswehr lost in the first six months due to **revocation** of the formal obligation to serve as temporary-career volunteers, requests by soldiers to be discharged (military service volunteers) or **dismissal** by the Bundeswehr. In 2019, this figure amounted to 4,260 servicewomen and men (2018: 4,900). Most leave voluntarily (2019: 3,833; 2018: 4,348). The reasons for revoking the formal obligation or requesting discharge within the first six months are manifold. They range from alternative job offers to differing expectations about service in the Bundeswehr to health challenges. The motivation for leaving is often not stated.

Although the number of people leaving voluntarily in the first six months is high, the Ministry of Defence stresses that it is "no different than on the free labour market". The Bundeswehr should not be satisfied with this, it should contemplate how it can lower the number of voluntary departures at the beginning of Bundeswehr service. It is difficult to understand in this context why it apparently does not further enquire about or at least does not record the key reasons behind the decision to leave the Bundeswehr. This would be the first step towards counteracting the problem. And some of the reasons for leaving the Bundeswehr that are recorded in the Bundeswehr personnel management system leave us none the wiser as to actual motivation of those turning their back on the Bundeswehr.

The fact that the Bundeswehr is nevertheless growing slightly, despite the declining numbers of applicants over the years and the high losses among new recruits, is mainly due to the success of the **"personnel retention concept"**. Temporary-career volunteers and career soldiers are staying on longer, not least because of the increased incentives. In addition to this, an increasing number of older lateral entrants and re-employed personnel are entering service. And the number of reservists, who enter service for varying periods, is also on the rise. The Bundeswehr is thus in step with the general trend in society: it is growing older. In 2012 - after the suspension of compulsory military service - the average age of military personnel was 30.3 years old. In 2015, the year before the official start of the reversal of the personnel trend, it was 31, three years later, in 2018, it was 32 and in 2019 32.3. Between 2012 and

2019, the average age of officers rose by almost a year, noncommissioned officers by three and a half years and junior-ranking personnel by two and a half years. This is still perfectly reasonable. Nevertheless, the underlying conditions point to the average age being set to rise continuously.

A comparative look at the armies of our allies produces a varying picture for the years 2018/2019. While the average age in the UK, for instance, was 32 and in France 33, the average age in Canada was 35 and in Belgium even 44, a European record.

Even though the Bundeswehr is a long way off the Belgian situation, it must be aware of the problems associated with an ageing force. One of these being sick rates, for instance.

According to the Ministry of Defence, there are no specific figures on **sick rates** among servicewomen and men. This is surprising because these figures are available for civilian personnel at the Bundeswehr, which show that their sick rates for the years 2013 to 2017 were above average compared to other federal departments. It does not make sense that the Bundeswehr does not keep overall statistics on the sick rates among military personnel. It will not be able to tackle potential problems by looking the other way.

### Training and education landscape at the Bundeswehr

The Bundeswehr is not just one of the largest employers, but also one of the largest training and education providers in Germany. Currently, the Bundeswehr offers some 260 civilian educational and vocational qualifications. They range from lower-level secondary school leaving certificates to journeyman and master craftsman's examinations all the way to academic degrees from either of the two Bundeswehr universities. The **career** possibilities for Bundeswehr members are therefore many and diverse: warehouse logisticians, media designers, precision mechanics, healthcare and nursing staff, but also specialist physicians, aerospace engineers or social scientists. These formal educational and vocational qualifications are supplemented and expanded by more than 4,000 types of training: starting with basic military training, to the general staff service course at the Bundeswehr Command and Staff College, specialty courses and specific further training courses, all the way to courses at NATO training facilities abroad and civilian companies and education providers. The Bundeswehr uses 8,700 different terms ("means of personnel categorisation") to describe the capabilities, qualifications and jobs that exist at the Bundeswehr, half of which used to be

called MOSs (military occupational specialities). The Bundeswehr has 428 training facilities nationwide. All this is impressive, but something the public is scarcely aware of. This is where the Bundeswehr can do better. The highly diverse training and educational landscape is a unique selling point and an argument for the attractiveness of the Bundeswehr.

It is good that the Bundeswehr is making it possible for applicants to search for jobs in a target-group specific, fast, straightforward and sometimes playful way on its Internet careers portal. Prospective applicants can obtain more individual and detailed information in personal consultations at the career information offices. A printed catalogue would round off the information service, but this is still not available.

A higher-education course at the Bundeswehr is an attractive option for many young people. The number of new students (officer candidates and externals) reached a peak of 1,585 first-year students in 2017. Compared to the declining number in 2018 (1,401), in 2019 there was a slight increase again at 1,451 first-year students.

There have been some changes in the training of servicewomen and men prior to higher education. Whilst the training of administrative service officers in the Army, including the major organisational elements of the Joint Support and Enabling Service (JSES) and the Cyber and Information Domain Service, used to be centralised in special officer candidate battalions, the initial training phases, in particular basic and specialised training, have now been transferred to field units for the first six months. The new **training course "administrative service officers - Army service personnel"** began in July 2019 with the newly structured basic training to increase physical fitness. Starting in July 2020, junior ranks and officer candidates will complete the three-month basic and specialised training together in the field. After the career examination and further training stages, the first 15 months for all officer candidates will end with the one-week module "Army Awareness Training", which, as in the past, is then followed by four years of higher education leading to a Master degree. This practice-oriented training is to be welcomed. The Air Force and Navy are keeping the centralised training of officers with just minor changes designed to strengthen team and crew spirit. The Ministry of Defence says that this approach is tried and tested in terms of retention and socialisation in the force.

The Bundeswehr realised late in the day that in times of staff shortages it can also make good use of **higher-education dropouts**. These servicewomen

and men have successfully completed the officer aptitude test and are suitable for re-enlistment as an officer without a higher-education degree. Only officer candidates who have dropped out of a Bachelor degree at a Bundeswehr university are considered higher-education dropouts in this context. Those who only drop out of the subsequent Master degree already have an academic degree and the full enlistment period is generally set as their period of service. Out of the students who began their Bachelor degree between 2011 and 2015, one quarter (23-26 per cent) dropped out.

In 2019, 1,451 students began a Bachelor degree at the Bundeswehr (2018: 1,401). In 2019, 302 students dropped out (2018: 254). If one looks at the graduate cohorts, one notices that in recent years technical subjects like mechanical engineering, electrical engineering, information technology and business administration have recorded the highest **dropout rates**. The Bundeswehr is investigating the reasons behind this in a study spanning three years (to be completed in 2020).

Out of the total of 302 Bachelor dropouts in 2019, 134 re-enlisted as administrative service officers (2018 out of 254: 106). The Bundeswehr should endeavour to further increase this ratio.

In the last annual report, the Parliamentary Commissioner already cited a new provision in the Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness, which has now entered into force, under which higher-education dropouts have an entitlement to a minimum of six months of support measures for education and vocational training after their time at the Bundeswehr, including payment of transition allowances. The relatively short period these are provided for is designed to stop dropping out being "attractive" and at the same time to serve as an incentive to re-enlist. The Ministry of Defence has responded to the Parliamentary Commissioner's comment that the six months are too short and announced that it will "review the current crediting provision and possibly take steps to amend the Military Pensions Act in the future".

## Personnel shortages

The number of unfilled noncommissioned officer and officer posts remained at the same level as the previous year at more than 20,000, and a total of 21,000 posts above the career level of junior-ranking personnel were unfilled in December 2019. In December 2018, this figure was 21,200. Among the junior ranks, at the end of December 2019 2,100 posts were unfilled (December 2018: 2,400), an im-

provement. The areas hardest hit by personnel shortages are listed below. The figures relate to the spring of the reporting year.

In the field of telecommunications, there is a shortage of personnel for all **Army service personnel** (Army, JSES, Cyber Information Domain Service) careers. Whilst for junior noncommissioned officers almost every other post is vacant (target figure: 533, actual figure: 278, proportion of posts filled: 52 per cent), for sergeants in this area the proportion of posts filled is also just 64 per cent (target figure: 4,116, actual figure: 2,636). Even for officers, only three quarters of the target has been able to be met (target figure: 438, actual figure: 327, proportion of posts filled: 75 per cent).

There are also significant vacancies in the Army ISR area. For officers the proportion of posts filled is 70 per cent, and more than 50 sergeant posts are unfilled in the long-range reconnaissance service (target figure: 93, actual figure: 37, proportion of posts filled: 40 per cent).

Aircraft engineering is a typical example of the shortfall in the technical area. There is a significant shortage of officers, with a proportion of posts filled of just 53 per cent (target figure: 94, actual figure: 50). In the field of aircraft mechanics, non-commissioned officers are also hit by similar personnel shortages with 121 unfilled posts (target figure: 255; actual figure: 134).

But the artillery corps is also massively understaffed. In cannon artillery, the proportion of posts filled in the junior ranks is just 60 per cent, for junior NCOs it is less than 70 per cent for each of the different assignment categories. In the officer career path, 30 per cent of artillery posts are unfilled (target figure: 211, actual figure: 146, proportion of posts filled: 69 per cent.)

Overall, it is striking that for junior noncommissioned officers in the Army in more than half of all the assignment categories the proportion of posts filled is a maximum of just 65 per cent.

The huge shortage of personnel in the **Navy**, which has been well known for years, continues to persist. Long absences from home at sea combined with high professional and physical demands do not make personnel recruitment and personnel retention in this area any easier. The bonuses for those switching career paths and assignment categories do not yet seem to be having an impact. This also holds true for the "Naval Aviation Personnel Action Plan", which *inter alia* focuses on stepped up and optimised advertising.

The severe shortage of officers in Naval Aviation Operations Duty has not improved. Almost every other post remains empty (target figure: 108, actual figure: 55, proportion of posts filled: 51 per cent). There has also been little movement in terms of filling posts among minesweeper petty officers. From 64 per cent in the last reporting year, it has risen to 68 per cent (target figure: 84, actual figure: 57 posts). The proportion of posts filled for noncommissioned officers is even lower (proportion of posts filled of 63 per cent). The planned introduction of the minesweeper assignment category for the junior-ranking career path has now been initiated, though. But only one of the 18 posts here had been filled so far on the reporting date.

In the Navy, too, it is above all the technical field that is hardest hit by the shortage of personnel. In the electronics branch, the shortfall among senior non-commissioned officers in the area of aircraft avionics is striking, with a proportion of posts filled of just 63 per cent (target figure: 177, actual figure: 111). The naval electronics area has far too few junior non-commissioned officers. One in two electronic reconnaissance signallers is lacking, for instance (target figure: 40, actual figure: 19). The naval security service (marine corps) has a proportion of posts filled of just 68 per cent, petty officers and junior ranks combined. This is not an improvement on the previous reporting year.

In the last two years, the **Air Force** has seen what in some cases has been a considerable increase in the number of posts. “More posts” also means more personnel are now needed to fill them. The medium-term improvement in filling posts the Ministry announced is not noticeable yet. As the example of the flying branch attests - an area for which the Ministry of Defence has set up a dedicated working group to enhance its attractiveness. In the air transportation flying branch, the number of officer posts has risen from 503 to 576. The proportion of posts filled is 67 per cent. The number of posts in the unmanned aircraft flying branch has tripled. There is a shortage of more than one in two service personnel here (target figure: 121, actual figure: 44, proportion of posts filled: 36 per cent).

At the air mission control service, in particular the tactical air command and control service, whose main task is air surveillance, there is a shortfall of approximately one in two officers (target figure: 154, actual figure: 85, proportion of posts filled: 55 per cent). Junior noncommissioned officers are also noticeably understaffed in this area (target figure: 74, actual figure: 50, proportion of posts filled: 68 per cent). In the major area of infantry soldiers for the Air Force security force there is a shortfall of 255

posts (target figure: 1,342, actual figure: 1,087, proportion of posts filled: 81 per cent).

Multiple changes in the structure and number of flying units as well as the introduction of new and phasing out of old weapon systems make the data on the development of the number of pilots difficult to assess. However, a look at the staffing levels at the end of the year under review reveals gaps. The proportion of posts filled for pilots for the TORNADO weapon system is 88 per cent and for the EUROFIGHTER 80 per cent. The Air Force has 134 pilots on standby for the A400M, which is in the pipeline (target figure: 161, proportion of posts filled: 83 per cent). Air Force helicopter pilots, at 184 filled posts, also only achieved 70 per cent of the target figure of 262 posts.

The Air Force also faces a shortage of flight instructors for the EUROFIGHTER, one of the reasons being the resignations in recent years. To date, these have not yet been fully compensated for, the Ministry of Defence has stated. Relocating basic weapon system training courses abroad has eased the situation though, it reported, with this continuing to be planned in 2020 and 2021 and also necessary for 2022.

The situation is similar to that of the Air Force for **helicopter pilots** in the Army, where a quarter of all pilots are lacking (target figure: 673, actual figure: 495, proportion of posts filled: 74 per cent). Whilst only 26 of the 148 posts for the TIGER combat helicopter are unfilled (proportion of posts filled: 82 per cent), there is a significant shortage of pilots for the NH-90 transport helicopter (target figure: 260, actual figure: 153, proportion of posts filled: 59 per cent). At the International Helicopter Training Centre in Bückeburg, the strikingly low number of NH-90 pilots stands out in particular. Who is supposed to train pilots on this mission-relevant weapon system if the central training facility has a shortage of more than one in two instructors?

The target figure for helicopter pilots in the Navy is 124, with 38 unfilled positions (proportion of posts filled: 69 per cent).

The Federal Ministry of Defence has endeavoured to improve the personnel situation in the flying branch. The ministerial working group established in June 2019 has bolstered assessment capacities for recruitment, for instance, and expanded re-employment possibilities. Furthermore, the Ministry has created opportunities for entering the officer specialist service for appointments to the service status of career soldier as part of personnel retention efforts. It seems questionable whether the Ministry

of Defence's official position that personnel shortages are not impacting the Bundeswehr's operational readiness is tenable. The negative headlines about individual flight cancellations in the Special Air Mission Wing in the year under review very much brought the tense situation in the flying branch to the public's attention once again.

The **Central Medical Service** is facing a shortage of specialist physicians. Only three-quarters of the posts for senior officers of the Medical Service (physicians) for the surgical departments are filled (target figure: 151, actual figure: 113), for instance. The Ministry *inter alia* raised the pay grade to A 15 in the hope that this would have a positive impact on personnel retention among specialist physicians in general. In 2019, the target figure was 833, the actual figure was 651 (proportion of posts filled 78 per cent), whilst in 2018 the target figure was just 631 and the actual figure was 486 (proportion of posts filled of 77 per cent). Despite a considerable increase in the number of posts, the proportion of posts filled was actually able to be slightly increased.

There continues to be a shortage of support staff for the Medical Service: in the area of assistant dental personnel, only 66 per cent of sergeant posts are filled (target figure: 212, actual figure: 139). In the nominally largest assignment category of assistant rescue service personnel, the shortage of senior non-commissioned officers grew by another 160 in the year under review (target figure: 2,172, actual figure: 1683, proportion of posts filled: 77 per cent). For non-commissioned officers, only a net figure of sixteen new assistants could be recruited for out-patient care (target figure: 664, actual figure: 422, proportion of posts filled: 64 per cent). Given these vacancies, it must be assumed that operational readiness can only be guaranteed to a limited extent for basic operations. Enduring shortfalls are particularly problematic when they are at the expense of proper medical expertise:

- *Due to personnel shortages at a medical clinic, a contracted civilian physician was hired to provide extra medical care. The high number of soldiers seeking treatment made it difficult for the civilian physician to honour his duty of care towards his own patients, however. He therefore felt unable to continue to provide treatment to the Bundeswehr. The head of the Rotenburg medical clinic stated that once the consultation capacities of the unit physician were at their limit, the non-physician medical staff were supposed to do a preliminary triage of patients. A medical staff sergeant would then perform an "extended anamnesis" and review the medical records*

*to check whether an emergency consultation with the unit physician was necessary and, in non-urgent cases, would offer an appointment for the following day. The soldiers in question were given the status "sick, confined to quarters" on their sick note, which the medical staff sergeant documented "on behalf of the physician" after consulting the unit physician.*

For **youth officers**, the proportion of posts filled in recent years has improved somewhat, reaching 84 per cent in the first half of 2019. Further improvements are needed, as youth officers note that they are often young people's first contact with defence and security policy issues because any personal connections young people may have to the Bundeswehr continue to decline.

The **Cyber and Information Domain Service** major organisational element, which was first established in 2017, is resourced with almost 14,500 posts old and new. Recruitment remains difficult, and this is not just down to the large number of posts to be filled. Some of the personnel needed in this area have to be highly specialised. Here the Bundeswehr faces fierce competition from the private sector. Demographic trends and the good labour market situation further exacerbate the situation. Almost a quarter of all posts are still vacant. The proportion of posts filled for officers in the officer specialist service is 75 per cent. Junior noncommissioned officers have the lowest proportion of posts filled at a figure of 66 per cent. By far the largest number of posts in this major organisational element is for the senior NCO career. Out of 6,470 posts, just shy of 5,000 are filled here. There was particularly little movement compared to the previous reporting year for IT staff sergeants. Here, 40 per cent of the posts remain unfilled.

Specialists are also required for the new cyber centres. These centres, which include a cyber operations centre, are core capabilities as they are key to providing the capabilities for cyber defence and impact through computer operations. Here it is predominantly officers and civil servants in higher intermediate service that are lacking. In the Ministry's assessment, these vacancies will probably not be able to be reduced in the coming years either.

That aside, however, the Ministry expects a significant increase in the number of cyber and IT service posts filled. The reason for this optimism is the 96 per cent coverage of personnel recruitment needs across all careers already achieved in 2018. The problem remains nonetheless that many posts cannot actually be filled until years later because the designated servicewomen and men are still undergoing

training and quite a few have also left the Bundeswehr (see above) before they were able to start service at the parent units, making gaps inevitable.

With regard to attracting and recruiting personnel, the Ministry is making various different efforts to secure both external prospective applicants and existing personnel for the IT area. This ranges from targeted advertising campaigns and events to special training courses for career advisors all the way to expanding the training for the higher intermediate technical service. The proportion of civilian personnel in the cyber domain remains very low, however. **Employees and civil servants** only account for only 13 per cent. Civilian personnel are evidently far more difficult to recruit here than military personnel. As of mid-2019, only 41 per cent of the recruitment needs for civil servants and employees were covered.

Although recruiting civilian IT experts who are already fully trained could fill the gaps more quickly than is possible over the medium term with military IT personnel who are still in training, the Ministry wishes to maintain the military nature of this domain. So, all in all, recruitment in the cyber domain will have to remain innovative in the coming years if it is to fill the expert gaps to some extent.

In addition to the difficulty in swiftly increasing the headcount again after the long years of downsizing, there are also systemic reasons for the personnel shortages. Out of the 183,667 servicewomen and men serving in the Bundeswehr at the end of the year, a large number are not actually available for basic operations and deployment at all. At the end of May 2019, the Bundeswehr had 43,100 servicewomen and men (December 2018: 44,800) assigned not to regular posts, but to what are known as non-established posts. It uses these to be able to map the soldiers in question in its personnel management system. On the record date at the end of May 2019 – like in the previous year - 35,000 soldiers were not assigned to regular posts because they were undergoing career training, including civilian occupational training (22,000), higher education (6,000), other training or basic training (7,000). This did not generate any vacancies in regular posts. The established posts recorded in the budget are termed trainee positions.

In addition to “trainee” status, there are other reasons why the Bundeswehr has soldiers in **non-established posts**. In May 2019, this was the case for 7,060 servicewomen and men (December 2018: 8,060). Out of these, 4,700 were in vocational advancement measures at the end of their period of service and 2,360 were not in their posts for other reasons, for

example: exemption from service for members of representation bodies 250, placement under the protection period pursuant to the Act on the Continued Employment of Personnel Injured on Operations 620, assignment close to home for compelling personal reasons 330. In these cases, standing operations at the units that do without these personnel suffer because the original posts of these servicewomen and men remain vacant during their absence. Finally, 1,630 soldiers are in non-established posts due to a leave of absence, parental leave/family care leave: 1,320, leave of absence for activities outside the federal administration: 310. Their established posts are also available to be filled through the appointment of new personnel.

Occasionally it is also seemingly minor special duties that unnecessarily tie up personnel: The 2016 and 2017 annual reports criticised the Bundeswehr’s expensive and inefficient **refugee training** in this respect. The basically well-meaning, but ultimately very symbolic project required far too many personnel, which seemed unfortunate given the Bundeswehr’s training and personnel needs. Germany’s Supreme Audit Institution (Bundesrechnungshof) also joined in voicing this criticism in the year under review.

## Recruitment

Since 2016, the Federal Office of Bundeswehr Personnel Management (FOBwPM) has been reorganising its structure and staffing. The basis for this was an evaluation that was already initiated in 2014 - two years before the official announcement of the reversal of the personnel trend. In April 2017, the Bundesrechnungshof heavily criticised the required personnel levels calculated in this study but the reorganisation continued nonetheless. Only a resolution adopted by the German Bundestag Auditing Committee on 28 September 2018 halted further measures and called for a new organisational study including a valid assessment of required personnel levels. The Federal Office therefore initially put an interim structure in place until 1 April 2019. It halted the reorganisation of eleven Career Centres, the establishment of advice platforms and the geographical changes planned for some career advice offices and local teams. The Bundeswehr **Career Centres I to V** and five other regional Career Centres already set up on 1 October 2018 remained in place as the new structure they had already adopted could not have been reversed without losses. Socially responsible measures ensured that already assigned personnel could be absorbed at the target locations and urgent tasks covered. In the meantime, the Bundesrech-

nungshof again warned that the Bundeswehr risked potentially creating up to 2,500 superfluous posts as a result of the reversal of the personnel trend. The Ministry of Defence disagreed, arguing that all the posts were the result of FOBwPM's organisational needs and backed up by the analysis of required personnel levels.

At the end of June 2019, the Federal Office of Bundeswehr Personnel Management concluded a cooperation agreement with an external consulting firm to ascertain the required personnel levels for the future structure of the Career Centres. Another external service provider had already studied the office's own organisation from August 2017 to the end of July 2018. The findings of this study are to take effect on 1 April 2020 once approved by the Ministry of Defence. The hope linked to the reorganisation is that it will allow swift and effective progress.

The restructuring of the personnel recruitment organisation means that some applicants will have to travel further than before for the **aptitude test**. If young people from Thuringia have to travel to the Career Centre in Mainz for this, it is not exactly customer friendly and may even put applicants off. The Ministry of Defence has acknowledged this and is considering making changes, for instance by giving the Career Centre in Erfurt assessment capabilities again. This proposal made by a petitioner should be implemented.

**Career advisors** are often the first point of contact for young women and men, and often for parents and multipliers, too. They make a key contribution to successful recruitment. Moreover, there are regions where the career advisors are the only representatives of the Bundeswehr locally. So they should be able to embody and represent professional career paths at the Bundeswehr in a credible, active and target group-oriented way. This in turn means the requirements to be met for assignment as a career advisor, which is designed to last a minimum of five years and which is on a voluntary basis, are high.

Discussions with career advisors and personnel assigners showed their motivation and great commitment. They see it as an advantage to be deployed in the region they come from. In addition to the opportunity to be assigned close to home, they saw knowledge of the region as an advantage, ideally meaning that they had networks and contacts to fall back on. Career advisors praise their training in Strausberg as demanding, challenging and expedient. A period in post of at least five years made a lot of sense in their view and they felt it was positive that it was now also possible to extend this. The advisors

evidently enjoy their work and find it satisfying and meaningful. They voice criticism when it comes to their career prospects, though, feeling that they could possibly be at a disadvantage compared to servicewomen and men in the field when it came to securing promotions, for instance.

Career advisors see the provision of tablet computers as progress but would like to see better wireless Internet provision at their offices. They were positive about the fact that since 2019 **regional advertising** at the local organisational units has been possible again. But they had to coordinate this with the Ministry's press and information staff, they said. Here they would like greater freedom to act, also to be able to act more swiftly.

Many view the Bundeswehr's **image campaigns** ("The Recruits", "The Parachutists") with caution or scepticism. Whilst campaigns like these by all means aroused interest in the Bundeswehr, they said, once prospective applicants came to the career advice office, though, they were disappointed because there was no need for yet more paratroopers, for instance. This is why the Bundeswehr should tailor its image campaigns more to its actual needs.

Career advisors also made it clear in their discussions with the Office of the Parliamentary Commissioner that field visits for prospective applicants were a good way of giving them a realistic picture. But often there was not sufficient support from the field units in organising such visits, they said. One positive example is the Navy's Visitor Centre in Kiel.

The advisors reported that it was not uncommon for applicants to opt for a different employer because the Bundeswehr could only offer general basic training six months after the aptitude test. The Bundeswehr needs to step up the pace here. The assignment of staff conducted by the Career Centre should be valid after all. The field units and the Federal Office should not - as is sometimes the case - reassign recruits against their will. This leads to frustration among those affected, casts a bad light on the advice given at the centres and does not necessarily make serving in the Bundeswehr attractive to outsiders.

In some cases, servicewomen and men feel deceived by the advice given:

- *One petitioner reported that in mid-2015, a career advisor had advised him to train as an electronic warfare sergeant after he had voiced his desire to work in intelligence. This would be a very good introduction, he was told. It would not be a problem to subsequently switch to intelligence. He had since*

*become a sergeant and it now transpired that he was in an undermanned assignment which it was almost impossible to switch from.*

Usually allegations of being incorrectly advised can no longer be proven. But it will happen. Even if prospective candidates opt not to apply after talking to an advisor, sometimes it would be better for advisors to state clearly what is possible and what is not, even if this perhaps leads to disillusionment. This avoids frustrations like the those cited. In light of this, the Federal Office of Bundeswehr Personnel Management should reconsider the annual targets for **application rates** imposed on Career Centres.

Time and again, though, applicants and servicewomen and men report receiving incorrect advice at the Career Centre and mistakes in the application process.

- *One soldier had applied to the relevant Career Centre for re-employment on a higher career path prior to the end of his period of service. After failing to receive a response to his application for some time, he was told when he enquired that as an active soldier he could not apply for re-employment, but only for a career change. The processing of his application had therefore been shelved. Aside from the fact that he should have been actively informed about this, this information was incorrect. Whilst it is true that re-employment can only legally and actually take place once a soldier has left active duty, it is possible for the application and selection procedure for re-employment to already be conducted during active service. The Ministry took the case as an opportunity to instruct the Career Centres accordingly.*

There is also criticism of the aptitude tests conducted by the Career Centres:

- *An applicant for re-employment on the career path of sergeant had already successfully participated in an aptitude test as part of an earlier application for the career of officer, whose result was still valid. Nevertheless, the Career Centre demanded a completely new application with all the documents. In response to this case, FOBwPM is now reviewing procedures and processes to see how they can be optimised.*
- *In another case, a Career Centre only tested and established aptitude for the career of NCO specialist and the junior ranks of the line service of a candidate who wished to be recruited for the career of senior NCO in the line service. He subsequently withdrew his application. During the processing of his petition, the petitioner was given the opportunity to repeat the aptitude test. He completed it success-*

*fully and has been serving in the Bundeswehr since October of the year under review.*

- *In another case, a Career Centre invited and then disinvited a petitioner to an aptitude test at short notice several times. This was due to staff shortfalls in the physician service and clerical errors. She subsequently withdrew her application. The Bundeswehr closed the file on the application instead of re-contacting the disappointed applicant and attempting to find a mutual solution.*

There also seem to be communication difficulties with the personnel assigners at the Career Centres sometimes. In particular, many petitioners complained that it was difficult to contact them by telephone to clarify further questions following the aptitude test. Why don't the Career Centers offer a set time slot for telephone enquiries from applicants? Simply referring applicants to written information is not very customer friendly.

During field visits superiors, company sergeant majors or instructors often complain that the "quality" of soldiers has deteriorated, or put simplistically, that they are "fatter, weaker and dumber" than they used to be.

Since 1 December 2018, a new central regulation has been in place for the military medical assessment, making the **criteria for the pre-induction examination** more flexible. The regulation now centres on checking - in the event of a health problem - whether general basic military skills can be ensured and/or whether it is (still) possible to wear or carry military gear. The Bundeswehr's Medical Service emphasises that medical and scientific progress has made it possible to adopt this more nuanced view and to relax the regulations on selection and induction. The aim had in no way been to be able to appoint more suitable applicants, it was said. However, the Ministry of Defence admits that there are now fewer people rejected, in particular on the grounds of obesity and previous drug use. However, the figures on applicants' fitness-for-duty ranking before and after the amended regulation were not comparable, it said.

This is not quite true. The figures are indeed comparable, they simply require a certain amount of explanation. Against the backdrop of fragile applicant numbers, the Bundeswehr classified 82 per cent of those examined between December 2018 and October 2019 as "fit for duty". Prior to that, the figures were 75 per cent (2018) and 74 per cent (2017 and 2016). This of course does not provide grounds for a general, absolute judgment that the newly appointed servicewomen and men are "worse". It is by all means plausible, though, that in some cases the im-

pression may arise at the local field units that some recruits “probably would not have been hired in the past”.

**Personnel retention** is another measure by the Bundeswehr to counteract personnel shortages. To date, however, holders of posts are often not asked whether they wish to extend their period of service before their post is advertised. In some cases, this policy is costing the Bundeswehr long-serving, highly trained servicewomen and men.

- *A sergeant, whose period of service as a temporary-career volunteer 14 is ending in March 2021, wanted to express his interest in extending his period of service to 25 years to the relevant personnel officer in early 2019. After being unable to reach him for months, he finally met with a substitute in July 2019. He learned from him that his position had already been filled and that the new postholder’s vested rights were protected.*
- *In a similar case, a staff sergeant, who re-entered service at the Bundeswehr with re-employed status in October 2013 and whose period of service is ending in September 2022, already applied for an extension in December 2018. However, the Personnel Office had already advertised his post in January 2017 and filled it a short time later, without asking whether he was interested in an extension. The alternatives offered to him instead were at locations further away and were of no interest to the soldier.*
- *During a field visit to a logistics battalion, superiors also complained that sometimes FOBwPM was not re-enlisting highly trained and experienced personnel because it had already filled the posts three years in advance with personnel from other locations.*

Before filling a post, personnel management should always involve both superiors and those holding the post. The Ministry is examining this proposal and intends to inform the troops about planned advertisements of jobs six months before filling a post using a standardised function in the personnel management system. Superiors could then inform the postholders, but also other suitable soldiers at the site, about the possibility of re-enlisting.

An example of successful pro-active information is the **orientation days** introduced at the Army’s training and support companies since 2017. These give recruits the opportunity to get an authentic picture of their assignment options and the respective branch of service just a few weeks after the start of their training through presentations, individual talks and tours.

Some of the other major organisational elements have followed suit with similar projects. Personnel development teams with different specialisations have now been organised at the Air Force, at the major organisational element of the Cyber and Information Domain Service, at the Joint Support and Enabling Service and also at the Navy. But these serve primarily as contact points for military service volunteers and focus on one-on-one interviews and advice to explore the young servicewomen and men’s assignment preferences, career goals and career prospects. At the Navy, presentations are also given at the beginning of basic training. A pilot project in this vein is underway at the Central Medical Service. These approaches are good, too. The popularity of the orientation days should be cause to always take all the recruits and also all those who have not been in service very long into consideration.

With the Act to Increase the Attractiveness of Service in the Bundeswehr of 13 May 2015, even before the reversal of the personnel trend lawmakers created an instrument, in addition to other financial incentives, to encourage temporary-career volunteers and career soldiers to extend their period of service in understaffed areas in the form of the personnel retention allowance. To be eligible, soldiers have to re-enlist within the last 36 months of their period of service. The allowance varies according to the person’s basic salary and is paid for a maximum of 48 months. It is also possible to impose regional restrictions in order to be able to influence the personnel situation at certain locations in a targeted manner. Until the end of 2018, the Ministry of Defence only made one-off payments, after which budgetary reasons made it necessary to switch to monthly payments. From October 2015 to the end of February 2019, a total of 4,690 servicewomen and men, mainly specialist personnel in the NCO and sergeant careers, received a **personnel retention bonus**. Predominantly in the areas of IT, aircraft engineering and special engineers. A high proportion (60 per cent) of the re-enlistment periods were for four years. The average allowance totalled €20,500.

Career soldiers working in an understaffed area can also be awarded the allowance if, for example, there is the threat of a wave of resignations (among doctors or pilots, for instance). The allowance is also possible for service personnel who are to be employed as a career soldier in an understaffed area. But the Ministry has not ever actually paid an allowance in this scenario yet.

Financial incentives do not seem to be a decisive factor in applying to become a career soldier either. The **study by the Armed Forces Office** entitled “Why become a career soldier? Information on the

motives and incentives for applying” in 2018 shows that the most important factors positively impacting an application as a career soldier are by far work-life balance, location certainty and the ability to plan one’s career. For this reason, the Ministry of Defence intends to place even greater emphasis on work-life balance, which is something to be supported.

Career soldiers who voluntarily extend their period of service beyond the special age limit currently do not receive a personnel retention allowance, something they criticised in submissions:

- *A staff sergeant in an undermanned assignment who had extended his period of service beyond the special age limit felt discriminated against as a result. Since there was a special operational interest at play due to the undermanned assignment, the employer could have actually extended the soldier’s period of service beyond the special age limit by law, it was argued. For this reason, awarding a personnel retention allowance would not have been commensurate with the budgetary principles of economy and efficiency.*

Even though this position adopted by the Ministry of Defence does reflect the official legal situation, it runs counter to the long-standing practice of sending soldiers into retirement upon reaching the special age limit. The law expressly provides for the possibility of paying retention allowances to career soldiers. So from this vantage point, this instrument should indeed be used to keep expertise in the Bundeswehr, not just the expertise of servicewomen and men at the end of their service, but also of those whose skills are sought after in the civilian economy and who might otherwise exercise their right to be discharged.

Bonuses for extensions of service are relativised if at the same time they engender financial **losses**:

- *A captain had decided to carry out what is known as final relocation, that is to say to take up residence at the place he had chosen to live after leaving service, as it was his last year of service at the time. For this relocation, the Military Pensions Act provides for defrayal of the relocation costs. Later on, the soldier applied to extend his service at the Bundeswehr by twelve months. However, the extension meant that he faced having to repay the removal costs of €3,000 that the Bundeswehr had paid for him. The Ministry argued that the funding for final relocation was linked to the end of service, which ultimately did not occur. This may be correct in terms of the formal law. However, this kind of legal hair-splitting, without attempting to find a flexible solution, is not appropriate for several reasons. The*

*extension period was only twelve months; the petitioner himself had offered to irrevocably waive any (further) final relocation in the future. And finally: if the Bundeswehr hopes to secure and expand its body of staff, it also needs to ensure that soldiers who are willing to extend their service do not suffer any financial disadvantages.*

Fortunately, the Ministry of Defence itself now sees the need to change this. It remains to be seen how the legislative procedure currently underway to reform the Federal Travel Expenses Act and Federal Removal Expenses Act will progress.

**Re-employment and lateral entries** are also important for the Bundeswehr at present in order to be able to cover its personnel needs. In 2019, 6,480 (2018: 6,100) former servicewomen and men applied for re-employment. This led to 2,628 appointments (2018: 2,774). 300 appointed soldiers were over the age of 40 (2018: 461).

16,746 applicants were interested in lateral entry to the Bundeswehr in 2019 (2018: 16,360). This resulted in 2,042 appointments (2018: 2,173), 96 of whom were over the age of 40 (2018: 90). The high number of applications, in particular for lateral entry, shows that the Bundeswehr is an attractive employer and offers many opportunities both for higher-education graduates and all other holders of civilian qualifications. In the officer career path, these can be in the fields of sport, IT, engineering, aircraft engineering, maintenance and servicing, intelligence, all medical fields, military music or the Geoinformation Service. In the specialist NCO and senior NCO career paths, which account for the highest number of applications and appointments by far, these are mainly in the fields of maintenance and servicing and information technology.

Applicants have high **expectations**, as the high number of submissions in this area attests to. Very specific ideas about where they wish to be assigned geographically, incorrect ideas about the applicability of civilian occupational training and about entering a higher career path, as well as overestimating their own health aptitude often result in disappointment and a lack of understanding if rejected. Here, too, the Career Centres and their staff have a difficult task in striking the right balance between providing empathetic advice and detailing realistic possibilities.

As well as considering unsolicited applications, the personnel organisation is now also using the online career network XING to target suitable candidates for advertised posts. This “active sourcing” has proven successful, and the Ministry intends to further

pursue and expand it. In spite of all its successes in attracting re-employed personnel and lateral entrants, the Bundeswehr must not lose sight of the age structure, though. The development prospects of all servicewomen and men in the system as a whole must be preserved.

According to the Ministry of Defence, in 2018 and 2019 the Bundeswehr did not make use of the option under Section 22 (3) of the Military Career Regulation of directly transferring reserve noncommissioned officers to the service status of **career soldier** under certain conditions. This is astonishing because in its comments on the Parliamentary Commissioner's 2018 annual report, the Ministry states that a corridor of up to ten per cent of the annual quota for awarding career soldier status has been defined for appointments and re-employment with career soldier status, and that it intended to make full use of this. Then this needs to actually happen! Furthermore, the Ministry should remind the Career Centres and advice offices of this possibility and ensure that they specifically draw the attention of all eligible applicants to this because in the period under review, too, there were submissions in which applicants complained that they had not been aware of this.

- *In one case, it was no longer possible to reconstruct whether the Career Centre had informed the petitioner about the possibility of being directly appointed as a career soldier. It had informed him, though, that a transfer to the service status of career soldier was subject to a separate selection procedure. Stating that there is a separate selection procedure is misleading in this context, since the applicant does not have to compete with other applicants. A case-by-case review is conducted, applying the same selection principles that apply to career soldiers. A separate form for cases of this kind would certainly make sense.*

In the penultimate annual report, the Parliamentary Commissioner highlighted the inconsistent regulations governing the period of validity of the **assessment of potential**. This assessment is a procedure developed by psychologists to evaluate characteristics such as judgement, communication and leadership skills. It is used to shortlist candidates in selection procedures. Originally, the assessment of potential was valid for a period of two years. Ministry of Defence guidance then led to the findings becoming valid for an unlimited period of time and not being able to be repeated - even if some of them were years old and therefore no longer as meaningful. The Federal Administrative Court put a stop to this practice with a ruling in the summer of 2018, which stated that an assessment of potential must be sufficiently

up to date at the time of the selection decision. The Ministry of Defence was aware of the shortcomings of the existing procedure for assessing potential before the Parliamentary Commissioner drew its attention to them in the penultimate annual report. In the summer of 2016, the Ministry had already commissioned the examination of a five-year validity period and the definition of characteristics with an accordingly high degree of stability. It is difficult to understand why it nevertheless instructed validity to be unlimited, which could then only be repealed by court order.

Since the spring of the year under review, the Career Centres have been using a new concept for the assessment of potential. This is based on characteristics that are designed to allow validity of five years. During this period of validity, early repetition of the assessment is not permitted for at least two years. The condition for early repetition, however, is that the person in question's administrative superior attests that his or her personality has developed significantly, as evidenced by the standard appraisal. The validity of the findings from the old procedures is limited to two years from the date they were established.

The Parliamentary Commissioner continues to be of the view that it makes sense to establish a specific **period of validity** for the procedure. In the interest of applicants hoping to change their status or career path, however, it should be clarified quickly whether the criteria currently applied are sufficiently stable to justify a longer period of validity. The Ministry is planning an evaluation of this. It should also keep in mind whether superiors are now increasingly giving the soldiers under their command the chance to repeat the assessment of potential early. And the Federal Office of Bundeswehr Personnel Management also needs to find a solution for the transition phase during which old and new procedures will coexist because the findings gained under the new procedure are not comparable with those under the old procedure.

Since the suspension of general compulsory military service in 2011, the Bundeswehr has been a voluntary army. It also appoints **17-year-olds** as volunteer service personnel with the consent of their legal guardians. In 2019, 1,706 17-year-olds entered service. This is 8.5 per cent of the total numbers entering service. In 2018, there were 1,679 17-year-olds (8.4 per cent). The number of minors appointed has thus increased slightly over the previous year. This is not good. Appointing minors should remain the exception, adults the norm. Out of the 1,706 17-year-olds appointed, 31 per cent had turned 18 by three

months of service and more than half (56 per cent) by six months. All minors are subject to special supervision by their superiors. The youth protection provisions must be adhered to, for instance, duty hours have to be modified. The Ministry of Defence's information guide for disciplinary superiors and heads of services on dealing with minors aims to give them confidence in their actions. In the year under review there were no submissions from 17-year-olds or their legal guardians. This indicates that superiors have the right awareness and are complying with the regulations. It should stay that way.

### Modernisation of military careers

In the scope of its personnel strategy, since the end of 2016 the Bundeswehr has been working on proposals for a modernisation of military careers. In early 2018, the implementation of 15 measures then began. These include structuring switches from the officer specialist career to that of administrative service officers more pro-actively and specifically promoting the acquisition of educational qualifications. Appointing especially high-achieving applicants to a sergeant career path with the assurance that their service status will be converted to that of career soldier once they have met the requirements is also part of this. Other measures include redesigning the career path for junior-ranking personnel, with the introduction of two new top ranks and opening up the NCO specialist career path to career soldier status.

By adding the ranks of **corporal first class, junior grade and corporal first class, senior grade** to the junior-ranks career path, the Bundeswehr aims to enhance the status of the junior-ranks career path overall and boost motivation and people's perception of this. The highest-achieving junior-ranking personnel can be promoted to corporal first class, junior grade after one year of service in the rank of corporal, senior grade. However, the effort this entails is relatively large. There are essentially three problems: The first step is to identify the posts which are eligible for an appointment with the higher rank and in turn higher pay. These posts have to be able to be assigned to the career path of junior-ranking personnel but must include individual tasks entailing greater responsibility ("at least partly duties equivalent to noncommissioned officer level"). This is no mean feat in terms of content and time. And at the same time this highlights the problem of ensuring a clear distinction between the tasks and responsibilities of corporal, senior grade as opposed to corporal first class, junior grade and also of corporal first class, junior grade as opposed to noncommissioned

officers. Across all the individual service branches, some 5,000 posts are now designated to be filled with a new rank, the vast majority in the Army.

Selecting the corporals, senior grade who are to be promoted to corporal first class, junior grade is also labour-intensive. The Ministry of Defence felt that regular **routine performance appraisal** of all junior-ranking personnel eligible for such promotion was indispensable. Faced with the prospect of 6,500 performance appraisals for junior-ranking personnel every two years, the Army proposed a simplified performance appraisal to keep the time required at a reasonable level and to prevent another bureaucratic monster. The Army Headquarters' concerns are legitimate. A way must be found which allows selection to take place with the least possible amount of red tape yet that is legally water-tight and below the threshold of the traditional routine performance appraisals. The Ministry of Defence and the Army Headquarters are still working on this.

The duties assigned to the ranks of corporal first class, junior grade and corporal first class, senior grade are to be commensurate with pay group A6/A6mZ. This would then formally satisfy the need to maintain a distinction between the pay for these ranks, that of sergeant and also that of corporal, senior grade. In practice though, the difference in pay will be a very minor one. In 2021 some 1,000 posts are to be filled with corporals first class, junior grade, and by 2031 the full 5,000 posts.

By **opening the career path** of specialist NCO to career soldier status, the Bundeswehr aims to better meet the personnel requirements in understaffed areas and to offer highly trained specialists attractive career prospects within the armed forces. The first selection conferences are scheduled for 2021. Performance appraisals are the main basis for the decision here. To implement the project as swiftly as possible, the Ministry of Defence has ordered certain derogations from the current appraisal regulation. Two routine performance appraisals are required in order to participate in the specialist NCO selection process, to be completed by the submission dates of

March 2020 and 2021 respectively. The comparison group to be established will include all staff sergeants or petty officers who were assigned to pay grade A7 before 1 April 2019. Opening up the NCO career path to career soldier status significantly enhances its attractiveness but here, too, one sees how much additional work such measures potentially entail.

## The Bundeswehr's internal labour market

The Bundeswehr's internal labour market is designed to offer the possibility of switching from one of the three existing status groups – service personnel, civil servants and non-civil-servant public service employees - to another status group. Under the current legal situation, to date a **change of status** has always been treated as a new appointment. It is for this reason that public job advertisements and selection always have to be carried based on the principle of merit (Article 33 (2) German Basic Law: aptitude, qualifications, professional achievements). If, for example, service personnel apply for a civilian service post at the Bundeswehr, they will be competing with external applicants. Although they are at a comparative advantage thanks to their Bundeswehr experience and there may be certain increases in grade averages as a result of their previous assignments, this does not guarantee their appointment. This is dissatisfactory for service personnel and the Bundeswehr alike, which risks losing highly trained personnel.

The Bundeswehr has now developed a new “Internal Labour Market 2.0” concept with seven fields of action. It targets all three status groups as well as trainees at the training sites and workshops. The first step was to set up a central point of contact, the next step is to develop an information and communication concept to actively inform prospective applicants as early as possible about the possibilities of continued employment.

These policies are commendable because compared to the great potential that temporary-career volunteers leaving the Bundeswehr harbour, the number of transfers to **civilian employment** is alarmingly low. In 2018, 11,000 temporary-career volunteers left the Bundeswehr (2017: 12,700, 2016: 13,300). Only 138 of them were able to change to a different status in 2018 (2017: 182, 2016: 242). Out of the 138 in 2018, 77 started career training as a civil servant, 43 changed directly to civil service, four to non-civil-servant public service and a further 14 started a training course. During the same period, 1,280 civil servants and 2,200 non-civil-servant public service employees, a total of 3,480 civilians, were recruited externally. There is obviously a glaring imbalance between the recruitment of external applicants and veteran service personnel.

The aim should be to substantially increase the number of experienced military personnel transferring to civilian employment at the Bundeswehr. This would allow the Bundeswehr to considerably increase its

attractiveness for those applying to become temporary-career volunteers.

In the year under review, a number of petitioners who had applied for a civilian position at the Bundeswehr criticised the hurdles and lengthy **application procedure**.

- *A typical example of the difficulties a change of status group at the same level entails is the case of a female lieutenant colonel who wanted to do the same job as a civil servant in the higher civil service in the GeoInfo domain once her period of military service had ended. Although the parties involved were all in agreement, the process of filling the post took almost two years. An external job advertisement, a temporary transfer of the applicant and a request for re-engagement were necessary for her to be able to apply for the post she had vacated herself.*

If the Bundeswehr wants to retain highly trained and motivated personnel in the long term, it needs to optimise these procedures and processes.

- *In a similar case, the Bundeswehr lost a qualified temporary-career volunteer. The economist, who had completed his doctorate at Bundeswehr University Hamburg, worked for the Office for Army Concepts and Capabilities Development up until the end of his service. It was not possible to transfer to a position advertised internally in the civil higher service there. The change of status would have required the position to be advertised publicly. This would have been a lengthy process and the outcome uncertain. For this reason, a civilian Bundeswehr employee was awarded the job.*

The Bundeswehr must give applicants with previous knowledge and experience of the armed forces more opportunities. Vocational qualifications that servicewomen and men acquire through vocational advancement measures should be equivalent to other commercial qualifications and entitle them to apply or be transferred to civilian positions at the Bundeswehr.

In June of the year under review, the Parliamentary Commissioner held a **workshop** to examine ways in which the Bundeswehr can retain more soldiers as civilian employees once their period of service has ended. The renowned expert in state and constitutional law, Professor Dr Dr Ulrich Battis, is of the view that a legal provision giving preference to (former) temporary-career volunteers in the transition to civilian status over other applicants with the same aptitude, professional achievements and qualifications is constitutionally acceptable. This legal

assessment should be adopted by the Bundeswehr, it could help to accelerate progress on this issue.

Another of the workshop's findings was that amendments to the Act on Federal Civil Servants and the Federal Ordinance on Careers and Promotion of Public Officials to the benefit of former temporary-career volunteers and aligning the career regulations for civil servants and soldiers could also make changing status easier. In addition to this, the workshop found that the Bundeswehr needs to expand the range of education and qualification measures (through civilian initial and follow-on occupational training and the vocational advancement service) so that these can be harnessed for its own civilian posts better. The vocational advancement service is especially important here.

## Appraisals

Cases of servicewomen and men criticising their own appraisal or the appraisal system as a whole were relatively widespread again in the period under review. In about 50 submissions it was the central subject, in many others it was addressed. Service personnel also described their dissatisfaction with the appraisal system in direct conversations. The Parliamentary Commissioner last detailed the weaknesses of the appraisal system currently still in place in the 2018 annual report. Once again, the main points of criticism were intransparent and bureaucratic procedures, the **inflation of grades**, huge delays in drafting and issuing appraisals. All the difficulties presented by the existing appraisal system and the dissatisfaction this gives rise to have been known for years. Selective changes to the existing system will no longer rectify anything.

However, it is extremely frustrating and inexcusable that appraisers so frequently issue appraisals too late. This can lead to huge delays in promotions and procedures for the selection of career soldiers. However, the S1 areas in many formations are massively understaffed - this explains delays but does not justify them.

The introduction of a **new appraisal system** is urgently needed. Work on this is in full swing. In addition to the requisite amendments to the Military Career Regulation, one priority is the technical implementation of the new appraisal provisions in the Standard Application Software Product Family (SASPF) system. It is essential to integrate the new appraisal procedure into this system, as it is supposed to serve as a key foundation for further procedures, in particular for conference management and calculating promotion and assignment sequences.

The Ministry of Defence informed the Parliamentary Commissioner that technical implementation has already begun: "As things currently stand, the application of the new appraisal provisions can take place as planned by 31 July 2021". It is important that this date is adhered to, to bring calm to this issue, which is so important for servicewomen and men and the Bundeswehr system as a whole. Appraisals determine personnel development for each and every individual, future assignments and ultimately a person's entire career. A functioning and accepted appraisal system is one of the foundations for a Bundeswehr where people work together in a spirit of trust and satisfaction. The huge importance of the management instrument of appraisals is set to grow even further because the areas in which selection decisions have to be made (see above) are on the rise.

## Promotion situation

The prospect of promotion or upgrading is an important driving force in servicewomen and men's career planning. It is linked to motivation, performance and positive action as well as, in the event of disappointment: dissatisfaction with work, frustration and, in the worst case, inner resignation. Orderly and timely promotion/upgrading within the framework of the respective career requirements is therefore of immense importance - for the individual concerned as well as for the respective organisational unit. It harbours considerable potential for conflict, especially since despite all the efforts to render promotion decisions objective a residual degree of subjectivity cannot be ruled out. Submissions and conversations in the field attest to the enduring pertinence of the issue, including in the year under review.

Unfortunately, it happens time and again that the Bundeswehr is unable to promote soldiers in time due to shortfalls in training capacities.

- *A helicopter pilot of the rank of first lieutenant, who had successfully completed all stages of training could not be promoted to captain because he had not completed the requisite type training on the CH-53. This had not taken place, as the aircraft that were functional were predominantly on deployment in Afghanistan. Although the soldier was able to complete the flying hours on a different weapon system instead and thus meet the promotion requirements, the promotion took place later than originally planned.*

Even if there is no legal entitlement to timely promotion, the Bundeswehr should avoid delays like this

wherever possible in order to preserve the attractiveness of flying assignments.

Something else that rankles is a delay in promotion due to deficiencies in the **processing of personnel matters**.

- *Five months, calculated from the planned date of promotion, was the time a noncommissioned officer had to wait for his promotion to come through. His application for a change of career path, which he had submitted more than a year prior to that, had initially languished at the unit for almost six months for reasons that remain unclear. Further delays meant it took three quarters of a year before the documents were even submitted to FOBwPM for review. This then indemnified the petitioner on the basis of the submission procedure. But careful work would have saved a lot of time and effort.*

Some promotions are “automatic”, that is to say if the conditions are met they take place solely by the passage of time, such as the standard promotion up to corporal, senior grade for the junior ranks. The bulk of promotions, however, do not happen immediately even if the career-path and time requirements are met. In the case of what are termed pooled posts (posts with several pay levels), personnel structure planning already pre-defines that soldiers will not be promoted immediately after the minimum requirements have been met. This is also commensurate with the principle of merit, which promotions are based on. The Bundeswehr has planned for a total of more than 9,000 service personnel it will not provide a higher-paid established post to despite them meeting all the other promotion requirements. This is not down to a “lack” of established posts, the Ministry is in fact deliberately creating a **shortage**. This often leads to years of waiting from the time when the minimum requirements (including time-related ones) are met until actual promotion - due to the legally prescribed comparison of the aptitude, qualifications and professional achievements of servicewomen and men competing for promotion. In the 2018 annual report, the Parliamentary Commissioner suggested considering whether this “shortfall” of 9,000 promotion opportunities could be lowered. In its reply, the Ministry stated it would also be reviewing these parameters when conducting the next personnel structure planning phase.

With regard to the funding of the 2019 personnel structure plan, the Ministry of Defence has stated that an additional 6,500 established posts are required. Upon conclusion of the legislative procedure for the 2019 federal budget, none of these posts had been approved by Parliament. This is offset only by **improvements in the pay** of 2,059 existing estab-

lished posts. These improvements in established posts have eased the promotion situation, particularly for pay grades A8 (sergeant major/chief petty officer) and A12 to A15 (captain to lieutenant-colonel/lieutenant/frigate commander). According to the information from the Ministry, the number of service personnel awaiting promotion/assignment to the A12 to A15 grades has dropped from 1,200 to around 900 and in the A8 pay grade from 4,900 to 4,100, with a further 1,751 established post improvements planned for 2020.

It is also demotivating when soldiers have little chance of promotion because of working in certain niche areas:

- *A staff sergeant, an armed forces accounting officer, complained to the Parliamentary Commissioner about the evident lack of a possibility to be promoted to sergeant major after the Ministry of Defence had failed to give him any specific information in response to an enquiry about this even after two years had passed.*

Since there is no separate assignment structure for armed forces **accounting officer sergeants** up to the top rank of sergeant major, to date the Bundeswehr has included them in the staff sergeant career paths in the respective branches of service. This has meant that only very rarely have they been selected for promotions in direct performance comparisons with senior personnel NCOs. In the year under review, there was only one post for military accounting officers in the armed forces nationwide at grade A9. The Ministry of Defence has now acknowledged that this group also deserves support and is planning to increase the pay for ten per cent of the military accounting officer posts. This will require the postholders to also perform the duties of a cash office sergeant. The measure is scheduled to be implemented by 2024. This is good but could have been set in motion sooner.

### Security clearance checks

In the Bundeswehr, security clearance checks are required for the appointment to and filling of many posts, the scope and intensity of which depend on the security sensitivity of the work to be performed. Since 1 July 2017, all applicants the Bundeswehr intends to recruit have been required to undergo **pre-employment screening for soldiers** which is supposed to be completed before the start of basic training if possible, but no later than the start of weapons training. This allows the executing agency, the Federal Office of Military Counter-Intelligence (FOMCI) to identify persons with an extremist or

violent background and exclude them from recruitment. From the experience gathered to date, the new procedure is proving to be the right choice. However, in some cases, servicewomen and men are still having to break off and repeat their basic training because their security clearance had not come through in time and they were consequently not allowed to begin their firearms training.

In the period since the introduction of pre-employment screening for soldiers until the end of October 2019, the Federal Office of Military Counter-Intelligence saw reason to deny 80 applicants permission to participate in comprehensive weapons training, including 38 by the end of October of the year under review. In a total of 52 cases, the responsible Security Officer at the Armed Forces Office concurred with the FOMCI's proposal. The remaining applicants were admitted to comprehensive weapons training despite the FOMCI's reservations.

Since the introduction of pre-employment screening for soldiers, the Federal Office has been able to process more than 77 per cent of the requests received within six weeks without any qualification. With the additionally issued "qualified provisional" or "provisional findings", in 96 per cent of the cases the applicants were given a security status that entitled them to attend comprehensive weapons training in time. This is an increase of eight per cent compared to the previous year (88 per cent). A development that deserves recognition. Nevertheless, there is still room for improvement, which could be achieved above all if the personnel situation at the counterintelligence service is also further improved.

During their period of service, too, all servicewomen and men deployed in security-relevant areas of the Bundeswehr are required to undergo further security clearance checks, at the level required in each case. Furthermore, updated and repeat clearance checks must be carried out on an ongoing basis. In 2019, the counterintelligence service received 64,233 requests for security clearance checks (2,200 fewer requests than in 2018). Out of these, 22,467 (35 per cent) were requests for security clearance checks at the time of appointment. In 2019, the office completed 61,433 security clearance checks, 22,618 of which were checks at the time of appointment. Like in the previous year, the average duration of the security clearance checks where no security-relevant findings came to light was seven weeks for level SÜ 1. Cases where suspected security-relevant findings need reviewing require longer **processing times**. The problem is that in these cases the processing time can be months and often years - with all the negative

ramifications this has for those affected. In this context, it seems particularly problematic for those concerned that the Military Counterintelligence Service does not make any prediction whatsoever as to when the procedure might be finished.

- *The security clearance check of one soldier (SÜ 3, initial check) took three years. This not only considerably restricted his ability to perform his duties, it also prevented him from meeting the conditions for attending an assignment qualification course. Time and again he had to cancel his attendance of the course which he applied for five times because the result of the security clearance check was still not available. In such protracted cases, the counterintelligence service needs to develop a procedure to inform those concerned of the expected duration of the procedure.*

Based on the figures on 1 July 2019, the number of **personnel vacancies** at the counterintelligence service has improved compared to the previous year. There are now 252 posts at the department responsible for security clearance checks (compared to 240 previously). Out of these, 198 have been filled. This is an increase of 34 posts compared to 2018. The predominantly timely completion of pre-employment screening for soldiers and other urgent security clearance checks was at the expense of the remaining security clearance checks. Initial checks for a higher security status took ten to 15 weeks for the level SÜ 2 and even 72 weeks for the level SÜ 3. This is unacceptable for many of those affected.

- *A sergeant major assigned to the transportation squadron of the Special Air Mission Wing whose place of birth was in the Russian Federation has been waiting for his security clearance for over four years. This has meant he has been prohibited from entering restricted-access flight areas or working on aircraft that are being retrofitted with a new defence system on his own ever since.*

Avoidable delays are particularly frustrating. These include the files lying idle for excessively long periods or files being sent to the wrong agencies or offices.

- *In the case of one staff sergeant, the contacts with states with special security risks he had listed meant questioning was required. The security clearance took over three years. The fact that the case had been referred to the wrong office within the counterintelligence service at one point alone led to an extra 11 months being added to the time taken to process the request.*

If mistakes like this do happen, more efficient procedures need to be in place to detect them more swiftly.

## Retirement

During its downsizing phases, for decades the Bundeswehr retired career soldiers as soon as they reached the **special age limit**. There were good, understandable grounds for this, although the law is based on retirement upon reaching the **general age limit** being the rule (Section 44 (1) Act Relating to the Legal Status of Military Personnel) and the special age limit the exception (Section 44 (2) Act Relating to the Legal Status of Military Personnel). Currently, for example, the special age limit for captains, first lieutenants and lieutenants is 56 and the general age limit is 62. The special age limit for career NCOs is 55.

The reversal of the personnel trend is now evidently also to be implemented by departing from the previous practice: moving away from the special age limit to the general age limit. It continues to be unclear, however, what this means for the individual soldier in concrete terms. The Ministry leadership has not yet come to a decision on the draft concept to adjust retirement practices, which was presented by a working group set up specifically for this purpose in early 2019. Instead, the idea is to wait for a new personnel requirements analysis based on the Bundeswehr's capability profile. It should be ensured, however, that this does not take too long.

Currently, all career soldiers reaching the special age limit by and including 2023 can be sure that they will be able to retire then. The Bundeswehr is also endeavouring to provide planning certainty beyond this. This includes conducting a **personnel development interview** with each career soldier early on, but no later than five years before reaching the earliest possible retirement date. The personnel manager then discusses when specifically, and where applicable from what assignment and from what duty location, the servicewoman or man will enter retirement. This is positive.

Many career soldiers are now making use of the option of voluntarily postponing retirement. In 2018, a total of 1,024 career soldiers and in 2019 another 700 extended their service.

## Civilian initial and follow-on occupational training

Obtaining civilian initial and follow-on occupational qualifications is important for the specialist qualifi-

cations and skills of temporary-career volunteers in their respective posts and also enhances attractiveness when it comes to integrating into a civilian occupation after the end of service. On the date of the last survey, 15 November 2019, 6,900 servicewomen and men were attending civilian initial and follow-on occupational training measures, including vocational training in 49 occupations and follow-on training leading to 36 different qualifications.

In several submissions during the year under review, servicewomen and men criticised the quality, content, organisation and available infrastructure on some civilian occupational courses.

- *For a training course to qualify as an IT systems electronics engineer at the Schwerin support centre neither a curriculum nor lecturers competent in the subject were available to begin with. Insufficient hardware was available. Participants were supposed to look for internships themselves. The servicewomen and men felt that this was seriously jeopardising the attainment of the training objective. Their criticism was justified, the Bundeswehr took remedial action and terminated the framework contract with the education provider.*

- *The way the civilian initial and follow-on occupational training course to qualify as a "business administrator" was conducted at the Bundeswehr School of General Vocational Education Hamburg, that was being offered for the first time, also generated criticism. Inexperienced and ill-prepared lecturers, wrong priorities and the wrong teaching material as well as poor time management were the complaints. Even though this was only partially confirmed, the Bundeswehr deregistered all the course participants on the grounds of insufficient examination preparation and found other courses for them. The course is now being extensively revised.*

The examples show how important it is for the vocational advancement service to closely monitor the **education providers** conducting civilian initial and follow-on occupational training. Places on these courses are expensive and should be designed to ensure that participants achieve the training objective in an optimum way. After all, attending a civilian initial and follow-on occupational training programme leads to a lower entitlement to vocational advancement later down the line at the end of the period of service.

With regard to improvements in civilian initial and follow-on occupational training, the Ministry of Defence currently only sees a need for selective adjustments. But it should take seriously the German Bundeswehr Association's warning at a workshop

held by the Parliamentary Commissioner in June 2019 that too many civilian occupational training courses are currently being offered which are not sufficiently useful to the Bundeswehr's internal labour market.

Those attending civilian initial and follow-on occupational training courses must be able to align their personal and professional needs with this. Depending on the scope and duration of the course - sometimes with a lead time of several years, for example when planning master craftsperson courses - participants need to be informed in writing of the start and location of the course in good time, 24 months before the start the first time. For servicewomen and men with family commitments in particular, it is important that the training venue is close to their home. This does not always work:

- *A soldier from Braunschweig with a small child was supposed to attend a civilian initial and follow-on occupational training course for aircraft mechanics as part of his career change to the career path of sergeant. It was not until less than three months before the start of the course that he learnt that the course was taking place in Munich. This would not actually usually have been possible in light of his family commitments. Limited training course capacities at other locations and the short time available meant that it was no longer possible for him to be re-assigned to a course close to home and he had to attend the course in Munich.*

In the last annual report, the Parliamentary Commissioner suggested opening up civilian initial and follow-on occupational training to longer-serving junior-ranking personnel. A pilot project in this vein was conducted at the Navy, where junior-ranking personnel received technical training in the form of civilian initial and follow-on occupational training courses to respond to urgent needs in the assignment categories of drivetrain engineering, electrical engineering, auxiliary systems engineering and naval electronics enabling them to work on board vessels. The Ministry of Defence does not see any need, however, to fundamentally open up civilian initial and follow-on occupational training to junior-ranking personnel, stating that it is always necessary for the subject matter of any training measure to be closely related to the subsequent military assignment. That notwithstanding: developing the qualifications and skills of longer-serving junior-ranking personnel in civilian occupations could be extended to other understaffed areas at the Bundeswehr.

The Bundeswehr has launched a pilot project for junior-ranking personnel without a school-leaving certificate whose remaining period of service is at

least 18 months. This allows these soldiers to complete their **lower secondary school leaving certificate** (*Hauptschulabschluss*) within the space of six months, and in turn then meet the conditions for a change of career path and re-enlistment. In the first half of 2019, the first round took place with 14 participants and a success rate of 90 per cent. In the second half of the year, all twelve participants passed their lower secondary school leaving certificate. The project makes a valuable contribution not just to the personal development of the participating soldiers, but also to meeting required personnel levels. The project, which will be continued as a pilot project in the first half of 2020, should become part of routine operations.

### Deficiencies in the processing of personnel matters

In the year under review, there were once again numerous submissions criticising the processing of personnel matters. Here are two examples:

- *Save for an acknowledgement of receipt, one applicant had not received any further news four months after submitting his application. The Career Centre in charge had first of all requested his health records from a previous application from the Bundeswehr Institute of Preventive Medicine (the Bundeswehr's central archive and health information point). It usually takes at least six weeks for this institute to send such documents, which is already a long time. In this case, however, they had still not been sent after more than three months because their microfilming equipment was not working. The recruitment authority acknowledged that the application could have been further processed even without the medical records being available, which was indeed what then happened as a result of the submission to the Parliamentary Commissioner.*

Such long **processing times** are unreasonable and deter applicants. A new military medical assessment of the applicant would have been an alternative option here.

- *In another case, an application for a transfer to a unit close to home in order to take advantage of vocational advancement service schemes at the soldier's parent unit, which he submitted electronically while on a mission abroad, remained unprocessed initially. They had been waiting for the original to arrive, it was said, which is why the application was not submitted to the Federal Office of Bundeswehr Personnel Management until five months later. The Air Force Headquarters and the subordinate division did not acknowledge any error having been made at*

*first. It was only the Ministry of Defence that then stated that applications submitted electronically also had to be processed immediately and that the originals could be submitted later.*

It is problematic that such self-evident things first have to be clarified by the Ministry and are not generally known to personnel administrators.

Like in previous years, failure to issue **testimonials** either at all or on time or with adequate content was a subject of petitions. It cannot be repeated often enough: At the end of their period of service servicewomen and men have a right to be issued a meaningful testimonial on their service. It is important for their future career. The Parliamentary Commissioner has received cases where soldiers still have not been issued a testimonial three to four years after leaving service, in spite of repeated reminders, and only by petitioning the Parliamentary Commissioner do they finally obtain a testimonial. Such long waiting times are unacceptable; they attest to a lack of care and leave the Bundeswehr looking like an unprofessional employer to the outside world.

There are also cases of servicewomen and men not receiving a certificate of discharge at the end of their period of service.

- *In the case of a sergeant major who had left service, the Federal Office of Bundeswehr Personnel Management had failed to have the **certificate of discharge** issued. It instructed the petitioner's former unit to issue the certificate in a befitting form. The petitioner received the document by post.*

Even if sending by post is permitted in cases where there are special grounds for this, it is inappropriate in such a case. Many years of loyal and committed service require an appropriate and befitting expression of thanks.

### Basic training

One of the key objectives of general basic training (BT) is improving recruits' fitness and motivating them for their future military service. In the last annual report, the Parliamentary Commissioner already highlighted the positive results of a pilot project at 401 Armoured Infantry Battalion in Hagenow. At the core of the project is the targeted **physical training** of the recruits based on their individual physical fitness, which produced good results and is now to be the standard BT in the Army. The Ministry of Defence is considering rolling out this approach to other major military organisational elements. The Army's experiences show that the new type of training not only improves the atmosphere during basic

training, but also lowers dropout rates, the Ministry has stated.

### Military service volunteers

At the end of 2019, 8,337 volunteers were completing military service in the Bundeswehr (2018: 8,252, 2017: 9,138). 7,642 took up their duties in the year under review (previous year: 7,259). All of the Bundeswehr's strength planning still assumes 12,500 military service volunteers to be assigned. A more realistic reflection of the actually feasible figure and also the strength level officially aspired to by the Bundeswehr is the 8,500 posts organised for military service volunteers. The service of a total of 1,858 military service volunteers ended prematurely, before the end of their probationary period, in 2019. Out of these, 253 were dismissed by the Bundeswehr itself, and 1,605 left military service at their own request.

The reasons for leaving the Bundeswehr during the **probationary period** are manifold: Most of the time, recruits cite personal and health reasons or a new job or that they had only planned to do voluntary military service to bridge the gap between other projects in the first place. While a large proportion of military service volunteers remember their time in general basic training as a positive experience and above all the comradeship as enriching, others criticise the general tone as too harsh or patronising. They complain about crude behaviour and lack of due care on the part of superiors. But misconduct by older junior-ranking personnel towards comrades who have not served for as long may also be a reason for them to decide to end their service during the probationary period. Often the facts of the incidents cannot be ascertained despite intensive investigative work:

- *A former recruit reported, for instance, that a heavily drunk staff sergeant woke him when he was asleep in his quarters and ordered him to do 70 push-ups and then "neck" six beers. The staff sergeant then verbally humiliated, threatened and insulted him, he said. Investigations ascertained that alcohol had been consumed and push-ups had been performed on the evening in question. It was not possible, though, to establish evidence of coercion, harassment or possible initiation rituals. With regard to the insults and threats, it was one person's word against the other, meaning that ultimately no misconduct could be proven against the staff sergeant. As a due precaution, however, the superiors ordered closer command supervision.*

Lengthy **application and request processes** and a lack of or inadequate advice at the Career Centres were the subject of criticism by military service volunteers in this reporting year again.

- *For example, in one case, a career advisor had told an applicant who had been discharged from voluntary military service at his own request due to illness that discharge at his own request meant he had to wait 12 months before being allowed to submit a new application. This was incorrect. During the processing of the petition, the advisor apologised to the applicant and arranged a new advice interview.*

Comprehensive **information and advice** and prompt processing are indispensable to recruitment. The Bundeswehr needs to improve here if it wants to be an attractive employer and not deter motivated applicants for voluntary military service. Military service volunteers are of special importance, be it as multipliers or as prospective candidates for assignment as temporary-career volunteers. The Bundeswehr is also aware of this in principle, as is reflected by the personnel recruitment organisation and the major military organisational elements offering advisory teams, reassignment interviews and orientation days. From 1 January 2020, military service volunteers will receive up to 80 per cent of the pay received by temporary-career volunteers of equal rank, the aim being to encourage them to do longer periods of voluntary military service. This is good because it means that military service volunteers can then be deployed in more demanding settings. They themselves and the Bundeswehr benefit from this alike.

## Reservists

In recent years, between 16,000 and 18,000 citizens have traded their civilian clothes for uniforms for varying periods of time. With their voluntary commitment, reservists make a significant contribution to the armed forces' ability to function – in terms of basic operations, on missions abroad and in disaster response and home defence. The reservists perform some 40,000 services annually, lasting between one day and up to twelve months. They have become indispensable, above all when it comes to replacing active servicewomen and men absent for longer periods as a result of parental leave, family care, training or deployment abroad. This also applies to areas with special workload peaks. This special type of military service is now also enshrined in the Military Personnel Act.

It needs to be underscored time and again that following the suspension of compulsory military

service, the reserve acts as a bridge between the Bundeswehr and society. It helps ensure that the Bundeswehr remains firmly rooted in the heart of society. This makes it all the more regrettable when reservists report distrust and a lack of **recognition and appreciation**.

- *Reservists designated for assignment by government district liaison groups found it bureaucratic and humiliating that after each reserve service they had to return their military identity card and collect it again at the next reserve service. This required them to first show their national identity card and call-up notification at the gatehouse. It should be possible to change the procedure here.*

- *A provision in the Military Personnel Act is also leading to discontent and the feeling of not being appreciated among reservists. Under this provision they are required to live in communal accommodation like military service volunteers. They can apply to be exempt from this, especially if they are completing their service close to home. However, they can only claim the travel expenses for the daily journey home, as active service personnel are entitled to, if they can prove that no communal accommodation is available. Establishing an official right to opt between accommodation and reimbursement of travel costs could put a stop to this unequal treatment.*

Previously, reservists were distinguished from active service personnel by the **reservist cord** on their uniform. For some, this made them feel like second-class soldiers. The Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness has now put an end to this source of frustration. On 1 January 2020, this Act led to further improvements to the social and legal framework for reservists entering into force, including many of the suggestions made by the Parliamentary Commissioner in previous annual reports.

Reservists now receive the same **allowances** as temporary-career volunteers or career soldiers, and the adjustment of the pension computation base ensures them better old-age pensions. Reservists on short service automatically receive an allowance for longer service from the 15th day of service until the 25th day. Another improvement is that private earnings will no longer be deducted from the minimum benefit under the Benefits Payment and Dependents Maintenance Act. Reserve duty is also possible on a **part-time basis** following the change in the law. This gives a larger group of prospective candidates the opportunity to serve in the Bundeswehr alongside their civilian work and family and private commitments. There are also additional financial incentives

for employers to encourage them to accept their staff going on reserve duty. Private employers can receive a lump-sum to reimburse them for the additional costs of securing an equally qualified substitute, for instance. However, it must be ensured that the information about these financial incentives does indeed reach employers. And finally: in the future, there will again be government-furnished meals free of charge for reservists.

In the year under review, the Federal Ministry of Defence completed the work on the **“Reserve Strategy”** it began in 2016. This strategy involves realigning the reserve: all temporary-career volunteers, career soldiers and military service volunteers leaving active service with appropriate skills and qualifications will in future be formally designated for assignment to a reserve post so it can be filled in the event of a crisis. The reserve exercises will still be voluntary, just as employers will be free to decide whether to grant the necessary exemption from work. However, it should at least be possible to obligate public-sector employers to release their employees from work. This would require further legal provisions to be put in place.

But social and legal improvements aside, the reserve is only really attractive if the resourcing and training are right. Time and again, reservists complain about the lack of personal equipment, especially boots, and the lack of course places available.

The structure of the reserve is also changing. A new **federal state regiment** in Bavaria, which reservists are almost solely responsible for, is supposed to show over a two-year pilot phase whether it is capable of handling the assigned protection and security tasks and the subsidiary tasks to be fulfilled in the context of administrative assistance and disaster relief. The Bundeswehr is evaluating this pilot project in close cooperation with the Bundeswehr Reservist Association. The goal is to transfer the concept to other federal states if it proves successful. The pilot project launched in April 2018 by the Reservist Association to train those without any prior military service is already considered a success. In February 2019, 18 out of 19 participants achieved the training goal. It has not been decided yet whether the pilot project will be turned into a permanent Reservist Association training course for those without prior military service.

Despite all the positive new provisions, there is still a need for action: even if reservists continue to wish to volunteer and meet the health requirements, they may only serve as reservists until the end of the month in which they reach the age of 65. In the last three annual reports, the Parliamentary Commission-

er already suggested raising the **age limit** to the limit that applies in statutory pension insurance. At least in justified individual cases it should be possible to raise the age limit.

On missions abroad, to date reservists are not entitled to special leave for journeys home with continued pay. The Federal Ministry of Defence needs to find a viable solution here. Sometimes reservists complain about leave entitlements expiring. Leave entitlements of reservists expire upon completion of their military service; it is not possible to transfer them to subsequent reserve duty or to be designated for assignment to reserve duty solely for the purposes of **compensating for leave not taken**. For this reason, reservists and their superiors should always ensure that leave is taken during the current period of duty.

One source of frustration is the often very long processing times the Career Centres have for applications from reservists. However, delays are not always solely down to the agencies in question, for example due to personnel shortfalls or communication problems. Delays also occur if applicants themselves fail to submit the requisite documents.

Complaints about short-notice cancellation of assignments and reassignments involving a great deal of red tape are also not uncommon. As is so often the case in the Bundeswehr, too many agencies are involved in dealing with one and the same matter. It would make more sense to have responsibility at regional formation level, military exercises should be applied for and processed directly there. Even if the Bundeswehr’s **advertising** suggests that there is nothing to prevent reservists from being assigned quickly, applicants must of course have the right skills and qualifications for the posts needing to be filled.

It seems unfair if the Bundeswehr treats retired soldiers and lateral entrants differently when appointing them to the reserve officer career path:

- *Former temporary-career volunteers who had since acquired civilian occupational training qualifications, for instance a higher-education degree, felt discriminated against compared to lateral entrants. Whilst the former service personnel initially were given their last rank from active service, lateral entrants with the same degree were already designated for assignment with a provisionally higher rank.*

The idea behind awarding a temporarily higher rank for lateral entrants is to provide a special incentive to enter a military career. Under established case law, this is not unconstitutional **unequal treatment**. But

even if there are good reasons for this, the perceived unequal treatment can result in the Bundeswehr losing former temporary-career volunteers as reservists. The Bundeswehr should find an arrangement that is fair to both sides.

The Bundeswehr has quite rightly changed one instance of unequal treatment that used to put reserve officer candidates outside of military service at an advantage over reserve officer candidates in military service and “active” officer candidates when it came to promotion. In the past, the date of first entry into the Bundeswehr was used to calculate the date of promotion to reserve lieutenant for reserve officer candidates outside of military service, considerably shortening promotion periods in some cases. Following clarification of the imprecise wording in the relevant central service regulations, the date of admission to the career path, and therefore the date of appointment as a reserve officer, is now also decisive for calculating the date of promotion for reserve officer candidates outside military service. It is understandable that reserve officer candidates outside of military service are not happy about this new arrangement. This clarification was necessary, though, to ensure equal treatment.

## 6. Reversal of the materiel trend

### Full resourcing and operational status of the major weapon systems

The Bundeswehr has to be equipped to perform its duties - for collective defence in Europe as well as for “out-of-area” foreign missions outside allied territory. This really requires 100 per cent equipment, weapons, ammunition, personal equipment and reliable system readiness. But the Bundeswehr is still a long way from achieving this, despite the trend reversals that have now been initiated. Everything is progressing too sluggishly. 2031 is the official target date for full resourcing defined in the Bundeswehr’s “capability profile”. By 2023, however, a grand total of just one Army brigade (out of the current seven and a half) is scheduled to be fully resourced, in 2027 an entire division (three brigades), and in 2031 three divisions. However, the Ministry of Defence is already moving away from these targets because they evidently do not appear fully feasible now, neither in terms of materiel, nor in terms of personnel or financially. Now there is talk of a third division with a partially skeleton staff, so one which would need to be topped up with reservists, and of delays in full materiel resourcing. The service life of old major weapon systems is currently being extended in all branches of service (MARDER, F123, PATRIOT).

And why does it take seven years to upgrade 100 old battle tanks to the latest state of the art when at the same time the same industry can build 50 brand new battle tanks for another nation within the space of two years? The four 125 frigates for the Navy should have long since arrived; they will now be arriving little by little, if all goes to plan, over the next two years.

In March of the year under review, the Ministry of Defence presented a report on the materiel readiness of the Bundeswehr’s major weapon systems for 2018, the bulk of which is not accessible to the public. The Chief of Defence’s accompanying letter states: “The report for 2018 is more extensive and detailed compared to the previous four years. Overall, it now allows conclusions to be drawn about the Bundeswehr’s current capabilities that are so specific that it would be detrimental to the security interests of the Federal Republic of Germany if unauthorised persons were to gain knowledge of it. This is all the truer against the backdrop of an intensified security situation and the German contribution to security precautions in the scope of collective defence. The information contained in the report therefore has to be classified as SECRET in its entirety”. In July, members of the Defence Committee requested an unclassified version of the report from the Ministry of Defence to enable the Committee to properly examine it.

Since the beginning of December 2019, a new updated report on the materiel readiness of the Bundeswehr’s major weapon systems has been available. It covers the period January to October 2019 and again is divided into two parts. Part II, like the report of March 2019, is classified “SECRET”. Part I is “UNCLASSIFIED”.

In the unclassified part, the Ministry assesses the materiel readiness of the weapon systems in use at the Army as continuing to be at a sufficient level, stating that deployments and quasi-operational commitments could be ensured. It does concede, though, that training and exercises are sometimes subject to restrictions and require considerable organisational and coordination efforts. Compared to the 2017 and 2018 reports, the Ministry does not note any significant change in overall materiel readiness. Conclusion: For years now there have been no significant lasting improvements.

The media already quoted some of the Ministry figures on operational readiness in November. Based on these, only a quarter of the 284 newly purchased **PUMA** infantry combat vehicles were operational in 2019, for instance. The PUMA is a prime example of

the force's difficulties with the apparently now unmanageable armament process - unmanageable for armed forces officials and industry alike. Brand new PUMAs that have already been delivered need to be retrofitted again at great cost in order to be operational at all. And spare parts continue to be in short supply. According to media reports, spare parts are being obtained from other new tanks under repair as part of "qualified component extraction". It is not surprising that continuous training and exercises are currently only possible subject to considerable restrictions at the PUMA battalions. Compared to the first time it underwent parliamentary examination, the project is currently 57 months behind schedule and will cost €1.4 billion more than planned, as the Ministry of Defence communicated in its regular ("UNCLASSIFIED") report on armaments matters.

For the predecessor model **MARDER**, too, the infantry und Heeresinstandsetzungslogistik GmbH (HIL) have to scramble together spare parts from infantry combat vehicles that are in for repairs ("make one out of two"). At the same time, the Bundeswehr will have to operate the PUMA and MARDER weapon systems in parallel for a long time to come, something the Bundesrechnungshof has also criticised. Technical modifications to the MARDER costing more than €150 million are supposed to ensure that the Bundeswehr can meet its international commitments by the end of the 2020s.

The Ministry's decision not to further pursue the privatisation of the Bundeswehr-owned HIL GmbH with its sites in Darmstadt, Doberlug-Kirchhain and St. Wendel is positive. As detailed in previous annual reports, the intention to privatise met with great scepticism on the part of service personnel. More in-house maintenance and servicing by the Bundeswehr, as close to the field units as possible, should be the guiding principle here.

In the air, too, the Army is only partially operational. The aforementioned media reports (which the Ministry of Defence has not denied) state that only very few of the 53 **TIGER** combat helicopters delivered by 2019 are operational and that out of the new **NH-90** models, again only a fraction of the 75 on the books is operational. The armament project is 134 months behind and will cost €1.3 billion more than budgeted.

In the **Air Force**, materiel readiness is not much better. The Ministry of Defence officially describes it as "still characterised by a heterogeneous situation". In the field of aerial weapon systems, a more differentiated view was needed, it said. All current operational commitments were able to be met. The high level of materiel readiness required was also ensured for

standing operational tasks in Germany and the stepped up air policing in the Baltic. This positive part of the picture is countered, however, by the modest amount of aerial equipment that is actually able to be used overall. There is still no sign of significant improvements in the short or medium term.

This also fits in with the figures cited in the media, which reported that on average only a quarter of the fleet of 71 **CH-53** helicopters had been able to be used. And for the total fleet of 93 **TORNADOS**, it was even less than a quarter. It is increasingly difficult to get spare parts for the ageing fighter bomber. Improvements contained in the "Armaments and Utilisation Agenda" will not be able to change this much now. Both of the Tornado squadrons in question are waiting for the follow-up type or types. The current (semi-annual) Report of the Ministry of Defence on Armaments Affairs, however, continues to state the planned end of service life as being "2035 at the latest".

For the **EUROFIGHTER**, the number of flying hours finally increased again in the year under review, a ray of hope. However, the precarious situation materiel and personnel resources are facing overall means that now soldiers are more frequently unable to go on leave or attend courses; pilots and engineers above all.

In the area of air transport, ongoing operations are now increasingly being supported by transport flights by the new **A400M**. At the end of 2019, the Bundeswehr had a fleet of 31 aircraft. This sounds good. But according to media reports, here, too, only a fraction of the aircraft was fully operational in 2019, with only 3,700 of the planned 7,200 flying hours being completed. Measured against the "FOC (full operational capability)" milestone, the project is 148 months behind schedule and will cost €1.6 billion more than budgeted. At the end of the year under review, a new problem arose with loose fixing nuts on the propellers, leading to acceptance being halted and additional regular inspections of the already accepted aircraft. This in turn means that the **TRANSALL C-160** and the help of allied partners continue to be indispensable. In 2019 the ability to plan transfer flights really improved in some areas but is still not good.

Our **Navy** has never been smaller than it is now. Out of the 15 larger combat vessels on paper, in reality the 2020 fleet comprises nine (following the decommissioning of seven 122s and the entry into service of one 125 frigate). Reliable timetables for the arrival of new vessels are hard to come by.

The execution of materiel maintenance projects for ships and boats to maintain their operational capability is currently on a critical path. First, yard periods cannot be started as planned in some cases because the personnel resources of the Naval Arsenal (which forms part of the Bundeswehr's armaments organisation) are insufficient. Second, yard periods are being extended, sometimes considerably. Typically, many cases of damage, such as widespread rusting, only come to light during the yard period. In addition to this, missing spare parts, but also shortcomings when it comes to planning repairs by the shipyards and other contractors as well as inadequate supervision of the work on the part of the Bundeswehr lead to further interruptions in performing the work.

A prime example of this is the progress of the maintenance work on the corvette "Braunschweig" for which a yard period of 18 months is now expected to be required instead of five. The planned repairs to the frigate "Brandenburg" went from seven to eleven-and-a-half months, and for the tender "Main" from six-and-a-half to 18 months. In most cases, more repair items were subsequently reported during the yard period than originally assigned to the main contractor ("Brandenburg": initially 307 items, later 78 subsequent additions with 688 items). The value of the contract increases as soon as the ship is in the yard.

Initial measures have been developed in the "Armaments and Utilisation Agenda" and are currently being tested in the maintenance project on the frigate "Schleswig-Holstein". Furthermore, the Navy supports the Naval Arsenal by providing its own personnel for the maintenance teams. Everything possible urgently needs to be done to ensure that the availability of the Navy ships and boats is significantly raised again.

There are also problems in the field of **Navy aircraft**. The Ministry of Defence points out in the unclassified part of the report on materiel readiness that the materiel availability of the SEA KING helicopter, which is being phased out, is just sufficient to accomplish the SAR mission at sea. Its successor, SEA LION, must first pass the operational suitability test. Likewise, for the use of the P-3C ORION long-range maritime patrol aircraft, a prioritisation of the possible deployment options is constantly required due to the limited availability of spare parts and installation packages. More than two of the eight aircraft originally purchased cannot be deployed as a general rule. Nevertheless, the naval leadership considers its branch of service to be "in good shape". Many servicewomen and men do not share this view when they talk to the Parliamentary Commissioner. They critically note that the Navy needs to be quick-

er in terms of the inflow of new floating platforms and new helicopters. It needs more spare parts, more shipyard capacity, but also more training facilities.

There is still no **operational training centre** (OTC) for the new frigates. The Bundesrechnungshof already issued a warning about this because it means *inter alia* that class F125 (delay: 64 months, price increase: €1.1 billion) with its multiple crew concept cannot be used as planned. The implementation of the OTC was delayed mainly because the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (FOBwEITISS) initially did not have enough personnel for a project team. The Navy therefore seconded personnel, accepting that their original tasks would be left partially unattended. This notwithstanding, a further delay emerged in 2019, which Coblenz was no longer solely responsible for: FOBwEITISS and the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services (BAIUD) evidently cannot agree on the order in which the OTC project and the associated infrastructure should be implemented. This is another example of a problem that is not down to the actual matter itself but the administration. And as already described in the 2018 annual report with the multirole combat ship MKS-180 project, all the different agencies involved apparently did everything right all the way through, only with no useful outcome at the end of it all.

Servicewomen and men have also levelled criticism at the planned **multiple crew concept** itself. Since the Bundesrechnungshof estimates that the training facility on land is not likely to be operational before 2030, training will have to take place entirely on the ships until then. Then six or eight crews would be too many for four ships, a maximum of three of which would be seaworthy, too frequently leaving these crews high and dry.

Accelerating procurement remains the key to a modern and fully resourced Bundeswehr. As set forth in the Coalition Agreement, a council of experts has completed its analyses of the **procurement organisation** and recommended 58 individual measures. In September 2019, the Minister of Defence fired the starting gun for a management reform at FOBwEITISS. Now it is a matter of implementing the measures. This is to take place in three phases. First, measures that can be implemented swiftly. These include, for instance, expanding the Federal Office's organisational sovereignty and longer periods in post for experts without this disadvantaging their careers. Second, measures entailing major structural changes, such as expanding the organisational principle of the "competence pool". Third, measures entailing major

structural innovations such as transferring parts of purchasing to other areas of the Bundeswehr. The effect of all measures is to be continuously evaluated in the scope of a new controlling system.

So instead of one major reform, the idea is for many small improvement steps to lead to the desired result. Privatisation of the procurement organisation, initially put on the table by external consultants, is no longer on the cards: military procurement remains a sovereign task. This is quite right; the government is awarding contracts worth billions here.

Existing commitment appropriations in the defence budget would already allow major procurement projects to be initiated now. So far, there has been a failure to make the decisions required to launch them: Planned contracts for the procurement of at least four MKS-180 multirole combat ships, contracts for a modern German-American air defence system to replace the purely American PATRIOT system, the procurement of a successor model for the TORNADO fighter bomber, the need for new heavy transport helicopters to replace the CH-53 and the replacement for the first generation of the EUROFIGHTER are each in the order of over five billion euros. But the Ministry of Defence had not set any of these **major projects** in motion by the end of the year. Parliament's commitment appropriations to the federal budget would have allowed two of them to be financed. The longer decisions are delayed, the more likely it is that projects will pile up and end up competing with each other.

Given the persistently difficult personnel situation at the procurement office, however, the question arises as to whether everything really has to be purchased centrally in Coblenz, especially standard commercially available goods and services. Why can't the Medical Service buy much of what it needs itself (like it used to)? The curse of centralisation also affects the issue of **materiel maintenance**: this used to be the responsibility of the individual branches of service. The way the government armaments sector is now organised too often perpetuates existing shortfalls. The following case is one example:

- *Maintenance Centre 13 notified the Bundeswehr Service Centre in Landsberg of a need for electroluminescent foils for the cockpit of the TORNADOS. In line with instructions, the service centre approached BAIUD with the question of whether it was possible to procure the (commercially available) foils itself. The Federal Office initially prohibited this because the TORNADO is a (non-commercial) weapon system. Due to the urgency and importance of the request, BAIUD contacted FOBwEITISS and reported that the Service Centre in Landsberg would be taking*

*charge of the purchase. FOBwEITISS gave its clearance and then asked BAIUD to instruct the Bundeswehr Service Centre in Landsberg to procure the foils.*

A certain waste of time and manpower evidently could not be avoided here.

This also led the expert council appointed to "optimise the procurement and utilisation organisation" to conclude in its final report that the aim must continue to be to establish clarity about responsibilities. It remains to be seen whether the measures established in autumn 2019 already suffice. In any case, it is good that at the staff meeting in September 2019 the Minister of Defence expressly promised the personnel in Coblenz not to "spring" any processes on them. The staff representation bodies should be involved in the implementation set-up. In addition, all employees can enter into dialogue in a chat that has now been set up and demand answers to their questions.

For the large armaments authority in Coblenz, it is now also a matter of filling the many vacancies with suitable personnel as swiftly as possible. On 1 August 2019, a target of 11,450 posts was juxtaposed by an actual staff of 9,520. This equals a proportion of posts filled of 83 per cent, which has barely increased over the previous year. Here in particular, the "**internal labour market**" needs to be harnessed more. In addition to publicising lateral entry, suitable temporary-career volunteers should switch seamlessly to civil service or non-civil servant public service to be able to contribute their engineering or business administration skills. The expansion of the cooperation with higher-education institutions deserves positive mention. The office is cooperating with eight universities to fill 235 study places on fourteen technical degree courses, including those specialising in cyber and information security. Cultivating cooperation with higher education is a modern and professional personnel policy. It allows contact to be established with students at an early stage and personnel selection to be refined and tailored to personnel requirements.

### Equipment for training, exercises and deployment

In the 1980s, the Bundeswehr equipped 1.3 million soldiers to be ready for mobilisation. At the time this had to work. The idea was to prevent the Third World War by tangible strength and deterrence. Today, the 180,000 active servicewomen and men can only marvel at this. A field visit to 1 Light Infantry

Battalion in Schwarzenborn was a good example of the difficulties faced:

- *Servicewomen and men reported that night vision equipment was in short supply and that borrowing this and other equipment items or major equipment from other units was a major effort. To keep track of everything they had to rely on Excel tables because not everyone had access to the information stored in SASPF. Add to this the time-consuming handover of the materiel including checking it for completeness and documenting all this. There were 70 sheets of annexes for the loan and handover of a GTK BOXER wheeled armoured fighting vehicle, for instance. This alone took half a day and extra personnel. According to the Ministry, the complicated handover procedure for a GTK BOXER is due to the Federal Budget Code, which requires clear records of the Federal Government's fixed assets to be kept. The development of simplified accounting and documentation procedures had now been commissioned, however. The shortages in night vision equipment have been well known for many years now. It is hard to fathom why it is taking decades to completely eliminate this shortfall.*

Even if a combat formation is considered operational in terms of materiel, it is still far from the ideal:

- *Servicewomen and men of the 232 Mountain Infantry Battalion in Bischofswiesen reported that it was only possible to ensure the materiel readiness of the battalion at tremendous effort. Around half of all the vehicles were immobilised and needed checking. The outsourcing of warehouse logistics had made securing spare parts for these vehicles extremely difficult. Out of the 17 existing EAGLE IV/V vehicles, a mere two were operational. What was more, these two vehicles were also constantly being borrowed back and forth. Due to a lending freeze at the Bundeswehr vehicle fleet service, the formation was only able to rent additional vehicles for training for short periods. It was never certain which vehicles would be available and meant in many cases that it was necessary to first brief and train the soldiers who were meant to use them. All this cost valuable training time. Since - for reasons of economic efficiency - the WOLF-type vehicle was now being phased out, a pool of vehicles was urgently needed, especially DINGO-type armoured transport vehicles and transport vehicles.*

The Ministry of Defence informed the Parliamentary Commissioner that the 2019 annual flying hours schedule at the helicopter training centre in Bückeburg for the NH-90 comprised 1,300 **flying hours**. This was not enough, however, to cover the regeneration needs of NH-90 pilots, it stated. Trusting in the

allocated flying hours, six soldiers had begun the NH-90 flying training and four soldiers the training to qualify as flight instructors. In the course of this year, flying training would also be starting for another two trainees from the Navy and eight from the Army, the Parliamentary Commissioner was informed. However, according to the Ministry, until July 2019 only one or two NH-90 aircraft were available for training at the International Helicopter Training Centre each day, and since then three NH-90s. This number was supposed to be maintained at least until the end of the year. However, there were not always enough flight instructors available. In combination with the low number of flying hours, this often led to longer intervals between the individual flying periods of the trainees. Overall, it would not be possible to train the required 17 NH-90 pilots each year. This meant that negative impacts on the availability of operational aircraft crews were to be expected in the medium to long term. More flying hours are needed, which means more instructors and more operational helicopters. Otherwise, the emergency solution of buying in flying hours from the ADAC, Motorflug Baden-Baden GmbH, DL Helicopter Technik GmbH and HTM Travel Munich GmbH will become a permanent fixture. In 2019, a total of 7,700 hours - or almost 1,000 more than in 2018 - were contractually agreed for the International Helicopter Training Centre, for the Army, Air Force and Navy. 5,900 hours were actually flown. The Ministry has said that in 2020, too, it would be necessary to rent flying hours, with the inflow of light-weight utility helicopters for the armed forces (LUH SK) not expected before 2023.

Homegrown problems mean that the availability of **aircraft engineering personnel** is not always ideal:

- *During a field visit to 31 Tactical Air Wing "Boelcke" in Nörvenich, (EUROFIGHTER), service personnel from the aircraft engineering division complained that they had to undergo extensive training every two years after completing their initial training in order to obtain the status "maintenance ready" (MR). Even if this procedure could still be justified for the aircraft operated by the Bundeswehr in line with the German Military Airworthiness Requirements (DEMAR) for the aircraft used for purely military purposes, which account for the largest part of the fleet, it constituted an unacceptable additional effort and expense, they criticised.*

The Ministry of Defence explains that the relevant Type C2 Special Publication, which sets forth common rules for the armed forces for attaining and maintaining MR status, means that uniform criteria apply. These applied, it said, both to aircraft operated

under the DEMAR rules and to aircraft not (yet) subject to DEMAR rules. However, the regulation was currently being revised until early 2020 and the amended directive would greatly lower the effort required to obtain and maintain MR status and simplify the documentation process. This is good, even if compared to the old directive the certification of personnel under DEMAR still entails extra effort.

The Air Force is facing new challenges as a result of new technologies, such as the danger posed by civilian **drones** during military practice flights.

- *In mid-May 2019, for instance, there was a close call when a TORNADO belonging to 33 Tactical Air Wing from Büchel in Rhineland-Palatinate crossed the airspace over the rural district of Kaiserslautern in low-level flight, where a special unit of the Rhineland-Palatinate police force was simultaneously practising drone flights. Better coordination is essential in the future to prevent such incidents from happening again. 74 Tactical Air Wing from Neuburg an der Donau has already published its own “Information on multicopters” and on the “Operation of flight models in the area of Neuburg-Ingolstadt-Manching” in the wake of recent incidents involving privately owned drones.*

The introduction of new helicopter types whilst simultaneously continuing to operate the old types, personnel shortages, delays in training, high workload pressure, insufficient opportunities for personnel regeneration and gaps and contradictions in the ever more complicated regulations are challenges in daily flight operations which can also impact flight safety.

As already mentioned above, Navy personnel have expressed dissatisfaction about the excessively long **yard periods**:

- *Since the summer of 2018, the Combat Support Ship FRANKFURT AM MAIN has been tied to the pier due to several postponements in repairs and maintenance. The crew has to take care of the ship during the yard periods and be available as contacts, for instance for the Naval Arsenal, which means it is not possible to temporarily remove the crew from service and redistribute it. Furthermore, the crew members constantly have to carry out maintenance work and measures for routine materiel maintenance even during the yard period. According to the Ministry of Defence, though, the actual yard period cannot begin until June 2020 and is scheduled to be completed in the third quarter of 2021 - after more than three years. In the meantime, some work had been brought forward in order to temporarily restore the ship’s seafaring capability, allowing the crew to at least return to sea for three weeks in the autumn of 2019 for training purposes.*

It might make sense to review whether the technical securing of ships during the yard periods could not be transferred more to private-sector companies. After all, they are also fully responsible for this during the building phase of each and every ship. Whilst it is nice to have on-board crews at home with their families more often, these servicewomen and men joined the Navy to go to sea. Not being able to for years at a time is a source of frustration for most of them.

### Clothing and personal equipment

After a period of two years, Bundeswehr Bekleidungsmanagement GmbH (BwBM) has finally managed to provide a sufficient number of quality cotton service shirts. By April 2019, BwBM’s service stations (SVSs) had issued 56,000 **service shirts** and blouses. Since June 2019, these items have been available again for self-suppliers at all sales outlets and from the online shop of BwBM. To avoid shortages in the supply of items from the Bundeswehr clothing sales store in the future, the Ministry of Defence has *inter alia* initiated the creation of buffer stocks with a stock reserve for a period of eight months. Save for a few items (uniform trousers for the Army, Air Force, Navy and Army tunic), the Bundeswehr has, it states, built up a minimum reserve of this kind for all 80 items in the clothing sales store’s main range.

There is repeatedly confusion about the rules on purchasing **sport items** by partial self-suppliers from the BwBM online shop.

- *One petitioner who wanted to order sports shoes wrote, for instance, that he had not been informed about regulations prohibiting the purchase of sports items by partial self-suppliers using credit from the trust account. The ordering process described by the Ministry in the online shop is actually clearly structured and perfectly fine. When ordering from the online shop, partial self-suppliers and self-suppliers have to confirm by selecting a box that they have taken note of the different regulations for this group regarding the eligibility of items that can be deducted from the trust account. Online buyers are therefore advised not just to tick the box, but also to read the text that goes with it.*

The 10,000 **flying suits** delivered in 2018 were followed by a further 4,600 in 2019. The various models are now available in sufficient quantities to ensure that those entitled to one can be supplied according to the Ministry of Defence. This positive supply situation will hopefully also apply when it comes to purchasing replacements. In the last annual

report, disproportionately long waiting times to replace flying suits due to wear and tear were the subject of complaints.

Servicewomen and men are still complaining about the inadequate provision of **combat helmets** that are compatible with double ear protection. Although the procurement of this type of combat helmet in the scope of mission-related provision of combat clothing announced in the last annual report has now been initiated, the successive resourcing of the troops will initially only take place in small tranches. In the meantime, the Army has conceded that the delivery of further helmets will be delayed by at least another year, leading to limitations during deployments and training operations.

Firearms instructors, who are exposed to comparatively high levels of noise on an almost daily basis, have been complaining for years about a lack of compatible and approved helmet/hearing protection combinations.

- *One firearms instructor who had already contacted the Parliamentary Commissioner in 2015 did so again, stating he no longer needed noise-level-dependent hearing protection as he was leaving the Bundeswehr. The instructor reported that firearms instructors often did without hearing protection in their day-to-day work as they felt they could communicate better with the marksman and achieve a better training outcome. When it came to his fellow soldiers, he suggested equipping personnel who were particularly heavily involved in firearms training first.*

The Parliamentary Commissioner concurs with this. In line with its duty of care, the Bundeswehr therefore needs to immediately consider how this group can be quickly included in the distribution of the new materiel!

Servicewomen and men are obligated to return mission-related auxiliary equipment such as **armoured vests** to the relevant local service stations within six weeks of returning from deployment. This used to not work well. Since the end date of the grounds for needing the equipment (deployment, quasi-operational commitment or similar) has been noted in the clothing service provider BwBM's system and on the soldier's clothing and equipment record when issuing the auxiliary clothing, the return rate has been much better.

But the stock of armoured vests for training, exercises and deployment in the Bundeswehr is still far below what is needed. It is difficult to fathom why the current plan is supposed to take until 2031 to

attain the target of 140,000 protection class IV MOBAST vests. Especially since every year ten per cent of the existing stock of armoured vests will have reached its guaranteed end of use and must be returned to the manufacturer. (Some of these will be returned refurbished but no longer fit for duty to the troops and can still be used for training purposes). Nor do measures to optimise this returns management process change the fact that the current plan to procure 5,000 armoured vests each year is insufficient for a force of over 180,000 service personnel and stocks of 36,000 armoured vests in 2019 either. And the current line of argumentation that the world market simply does not have higher production capacities does not hold water: according to manufacturers, there was a bottleneck years ago, but this has long since been eliminated and it would be possible to produce large quantities.

The Parliamentary Commissioner has raised this issue multiple times in recent years with the Ministry of Defence leadership, including in the year under review - consequently the Ministry is going to double the procurement volume of MOBAST armoured vests for the next four years from 5,000 to 10,000 and intends to procure a further 5,000 armoured vests for 2020. A first step in the right direction. But if, in principle, every soldier is supposed to have his or her own personal armoured vest, this would require quick, comprehensive procurement.

The outdated **load-carrying system** from the 1990s is known to cut into the shoulder area after long periods of wear, and the way the magazine pouch is attached is also not ideal. Four years ago, the Parliamentary Commissioner's 2015 annual report already noted: "There are now markedly better solutions that have been optimised for the Bundeswehr's various operational purposes. Modern carrying systems that are available on the market are also markedly superior to the load-carrying equipment, for example in terms of capacity, modularity and wearing comfort, particularly in combination with body armour". Since then there seems to have been no improvement. Servicewomen and men continue to buy modern carrying equipment out of their own pockets, which in some cases is necessary for training to go ahead at all.

The Bundeswehr's standard **rucksack model** is facing increasing criticism from service personnel, who say it is not compatible with the waist load-carrying system, the shoulder strap fasteners cannot be securely locked in place and keep needing to be readjusted; and finally that too frequently the combat rucksacks issued are faulty. All in all, many users feel that the rucksack is not up to the demands of military service and often causes tension in the

shoulder and spine area. The problem is not a new one. Since the 1990s, soldiers have been purchasing a rucksack with a compatible waist load-carrying system out of their own pockets. The option of purchasing up-to-date rucksack models using the certified shopping cart is good but does not solve the fundamental problem. As a measure to deal with supply bottlenecks, servicewomen and men without an entitlement have to return the 110-litre rucksack issued to them until further notice. Here it should be possible for a rucksack in keeping with the times to be introduced quickly for the troops to replace the rucksack from the 1990s.

There are also servicewomen and men serving in the Bundeswehr who require individual **items of equipment** for medical reasons. The procedure for procuring this equipment is often unsatisfactory:

- *One female soldier asked how it was possible - given the upcoming career training courses - that after eight months she had still not received a rucksack that she had proven she needed for medical reasons and was not generally available for sale over the counter.*
- *Another female soldier has been waiting for more than three years for the double hearing protection plus compatible combat helmet she requires for occupational health and safety reasons. She had not been able to take part in certain parts of the training for years now as a result and her superior was not in a position to fully evaluate her actual performance with a view to possible career advancements, she reported.*

Other soldiers describe suffering similar fates. The only thing to do here is to find unbureaucratic solutions to overcome the administrative blockade.

Over the course of the year under review, the Parliamentary Commissioner received an unusually large amount of feedback from participants on the infantry officer course. Here, too, a shortage of various equipment items came to light: In particular, the need for heavy-duty clothing had forced quite a number of course participants to buy their **combat jackets** and trousers themselves. Those affected quite rightly asked whether it was not the Bundeswehr's duty to protect them from injuries in the line of duty and provide them with suitably robust clothing. Expanding the group of personnel provided with combat jackets and trousers seems to be the solution required here. This would also put an end to the unpalatable practice of servicewomen and men who are entitled to both items on the basis of their membership of certain units having to surrender them for the duration of their infantry training.

In the year under review, the Parliamentary Commissioner again received complaints relating to a lack of reliable **vector protection**. This is clothing with integrated pest control against ticks, for instance. The call to increase stocks is not new. Army Headquarters had already flagged the insufficient stocks for its subordinate large formations and for the Army Training Command. To minimise the risk of tick bites to course participants, the site physician gives the compulsory "ticks" instruction at the beginning of the infantry training. This is good, but not a reliable solution in and of itself. The Ministry of Defence now hopes to provide personal vector protection from 2021 onwards. The increase in local vector protection stocks aspired to in the short term also needs to reach the training centres, though. The Infantry Training Centre in Hammelburg has already benefited from the first procurements made in the scope of an immediate measure.

The implementation of the "armed forces combat boot system" will mean that in the future servicewomen and men will have two pairs of the new "heavy-duty" combat boot and one pair of the new "light" combat boot. These **combat boots** are successively replacing the previously deployed "general" combat boot or the "hot-moist/hot-dry" combat boot. Implementation of the "armed forces combat boot system" began in early 2018. 160,000 servicewomen and men had received a first pair of the new "heavy-duty" combat boots by August 2019. The servicewomen and men not yet in possession of a first pair of these combat boots can receive the pair owed to them immediately. The service branches/major organisational elements have been informed of this. The units themselves are responsible for arranging collection at the respective BwBM service stations. Acceptance of this combat boot seems to be good, there have been no complaints.

From quarter IV of 2017 until the end of the year under review, 24,400 servicewomen and men who went on deployments received a pair of "light" combat boots. All the other service personnel are to be equipped with a pair of these light combat boots between January 2020 and 2022. In November 2019, BwBM GmbH had 143,886 pairs available for this purpose. Given the available stocks, one wonders why the Bundeswehr is not able to distribute these boots right away.

By the end of the second quarter of 2022, all servicewomen and men who are predominantly on duty in field uniform are to be fully equipped with all the combat boots. Why full resourcing with three pairs of boots has to take a total of four and a half years for 180,000 servicewomen and men in 21st century Germany remains a planning mystery.

Improvements are needed in the provision of combat boots to service personnel abroad.

- *After the clothing store there closed, one soldier stationed in the US failed in his attempt to obtain another pair of “light” combat boots from the Bundeswehr in Germany. The aim here must be to establish a clear application and procurement path for all those involved. The case is also cause to reflect fundamentally on the tendency to shut down clothing stores in the Bundeswehr.*

This reporting year is no exception when it comes to the time span from the detection of a shortage to procurement and delivery taking far too long. This cannot be down to public procurement law alone. It is far more a case of internal request and approval processes needing to be shortened, by setting deadlines if need be. The aim must be to streamline complex processes and focus on the key actors here.

The most absurd case in point comes from our specialised infantry:

- *A soldier from a mountain infantry battalion complained about insufficient protection against the cold on his several hours of outdoor training during the winter months in Bavaria. He had submitted an according request for equipment citing information letter 11/2016 on personal protective equipment. After several months, the superior agencies sent a letter denying his request, stating that the cited information letter did not apply. The Ministry of Defence points out that a request should have been submitted to the Bundeswehr Office for Defence Planning and has informed the petitioner’s superior agencies of this.*

Another issue that repeatedly gives rise to frustration is **underwear**. For hygienic reasons, this is one of the items that does not have to be returned. For technical procurement reasons, however, the winter underwear “Wool power” is not included in this clothing category. As it is not available in sufficient quantities, this winter underwear is hygienically cleaned and prepared for reissuance at great effort, the Ministry reports.

Bundeswehr Bekleidungsmanagement GmbH did not keep to the original plans to start issuing all-season jackets, soft-shell bomber jackets, sweaters, necktabs for servicewomen and peaked caps for Air Force officers in the fourth quarter of 2017. It was not until the year under review, so two years later than planned, that the first career soldiers and temporary-career volunteers received these items, with the exception of the soft-shell bomber jacket. The Ministry of Defence cited other clothing projects having high-

er priority as the reason for the delay and said furthermore that it would take until 2023 to procure the total quantity required of these items. So it would take accordingly long for the issuance of these items, which has now started and is based on a **priority list** drawn up by the branches of service, to be completed. Why all this - modern clothing, not sixth generation combat planes - cannot be procured far faster remains unclear.

## 7. Reversal of the infrastructure trend

Nationwide coverage with functioning wireless Internet remains an ongoing issue when it comes to the requisite upgrading of Bundeswehr properties. Many properties will have to wait until 2020 or later for this to go live.

Another cause for concern is the fact that **smoke detectors**, which have long since been required for civilian buildings under federal state building regulations, are not yet standard in all Bundeswehr buildings.

- *This problem could be observed at the accommodation buildings of the Naval Force Protection Battalion in Eckernförde, for instance. In order not to further exacerbate the shortage of accommodation at the site, those in charge deployed human fire guards until smoke detectors were operational in August 2019. Whilst this measure is to be welcomed in the interest of the Bundeswehr’s holistic obligation to protect the life and limb of the servicewomen and men in its charge in the best possible way, the additional personnel this required could have been avoided.*

It is still wrong to believe that every servicewoman and man has **a bed and a locker** at the barracks.

The Parliamentary Commissioner welcomes the decision by the Ministry of Defence to provide accommodation for a further 20 per cent of the established military posts in application of the “official accommodation obligation for special reasons” in addition to the quarters for servicewomen and men (aged under 25) required to stay in official accommodation. Quadruple occupancy and collective sanitary facilities are not ideal as standards for the extra quarters, but better than nothing at any rate.

In the year under review, the Parliamentary Commissioner received numerous reports of deficiencies at Bundeswehr properties. Whether it is missing door locks and frames in military accommodation at the engineer barracks in Solling, inadequate drinking water quality and mould mushrooming on the walls

in rooms at the Kümmersbruck site - too often conditions are substandard.

- *At the “Olympic Village” of the Theodor-Körner Barracks in Lüneburg, the electrical sockets had been removed and cables were hanging out of the flush mounting box. Precautions had at least been taken to ensure that there was no risk of electrocution: but the substitute power supply through several extension cables plugged together seems very makeshift. The fact that there are no longer plans to accommodate service personnel at the Olympic Village permanently is no excuse.*

It is a “no-go” when **mould** is mushrooming in a hygienically particularly sensitive area such as a mess hall.

- *This was unfortunately the case at the mess hall at the naval base in Kiel. It had not been possible to complete the measures to remove the mould in December 2019 as originally planned. Even if a preliminary assessment indicated that the mould did not pose a health hazard, this is no reason not to remove the mould immediately.*

The conditions for doing physical training did not always meet requirements either. Servicewomen and men quite rightly criticise this.

- *During a field visit to a logistics battalion, soldiers complained about the size of the fitness rooms. The two training rooms provided at the barracks only covered part of the calculated space requirements for this purpose. It is to be welcomed that the Bundeswehr has since initiated a construction project to fit out another building for fitness training. However, the fact that based on the current plans, construction work will not start until spring 2021 continues to merit criticism.*
- *The prevention and fitness hall at the Julius-Leber Barracks in Berlin is closed due to major static faults. The young protocol servicewomen and men from the Guard Battalion, who are particularly affected by the closure of this hall, need to be provided with an alternative as swiftly as possible. It must be ensured that their extremely important training to build up core, back and arm muscles is not compromised. The proposal made by the barracks commander of the Julius-Leber Barracks to erect a tent structure as an interim solution until a new hall is completed is worth considering. Renovating the open-air swimming pool, which is currently out of commission, should also be considered. Operating a sports facility like this (which is already in place) seems absolutely justifiable in view of the 2,400 soldiers serving at this barracks and the 400 civilian employees also working there.*

Fundamentally, the Bundeswehr should keep existing **indoor and outdoor swimming pools** at its properties. Not only because of the special health and performance benefits that swimming offers, but also as an improvement in the recreation and welfare services provided to the servicewomen and men and their families. Cost-efficiency should not be the only deciding factor. The Parliamentary Commissioner fully concurs with the content of the calls to this effect made in 2018 by former Minister of Defence von der Leyen.

- *A shocking example of shortcomings in building maintenance and renovation is the accommodation of the Schwarzenborn dental section. Until its closure, the dental section was housed in a makeshift wooden barracks dating back to the 1950s. The outer shell, ceiling and walls were leaking and no longer offered protection against precipitation, rats, mice and insects. Employees complained of breathing problems and skin irritation, some rooms smelled of faeces and/or mould. Those in charge did not take these failings sufficiently seriously until it had to be assumed that the building was completely unfit for use. Until the construction of an annex in November 2022, a rented property at the medical care centre of the town of Schwarzenborn is to be used.*

- *The construction planning and execution of a new utility building at the Blücher Barracks in Berlin-Kladow is progressing far too slowly. The military requirement request for the new building was submitted in June 2009. Construction is scheduled to start in August 2022 and completion of the new building is scheduled for September 2024. This is late because the utility building currently still in use requires a huge number of repairs, especially to the water pipes. The heating in the dining hall of the utility building does not work anymore either, which is why portable electric heaters have been set up.*

- *It is also taking too long to repair the vehicle hanger at the Logistics School in Osterholz-Scharmbeck which has already been vacated. It was not possible to stick to the originally planned start of construction in the summer of 2019 due to capacity issues at the federal state building authority; the hanger floor is now scheduled to be repaired in the summer of 2020.*

Even setting up containers is often subject to incomprehensible delays.

- *At the naval base in Eckernförde they have been waiting for two years for the already approved containers to be set up. Personnel shortages at the relevant federal state building authorities were responsible for the delays, writes the Federal Ministry of*

*Defence. In addition to this was the extra time required for the tender and award procedure. Now the containers are supposed to be installed in the first half of 2020.*

The **refurbishment and modernisation projects** at Eckernförde naval base are a prime example of everything that can go wrong.

- *The diver training pool: According to the Ministry of Defence, even in the best-case scenario, the refurbishment work that began in July 2010 will not be completed before the end of 2020. A leak in the diver pool discovered in 2012 led to expert evidentiary proceedings. Refurbishment was halted and a procedure for the collection of evidence was initiated against the contracted companies. A procedure that dragged on for years. Meanwhile, the engineering consultancy commissioned with the refurbishment went into insolvency. The new contract award procedure required as a result ended without a usable bid, and it was not until 2017 that a new engineering consultancy was found through a restricted contract award procedure. So the servicewomen and men in Eckernförde continue to wait not just for the diver pool but also for other training-relevant infrastructure measures. Money is not the issue. And the Bundeswehr Construction Management Centre of Expertise in Kiel **Fehler! Textmarke nicht definiert.** is to be believed when it says it will exhaust all possibilities to implement the infrastructure requirements promptly. But there are numerous other federal state and federal authorities involved, which often have to grapple with personnel shortages. And to cap it all, the high capacity utilisation the construction industry is experiencing also has a negative impact.*

The current legal situation prevents the Bundeswehr itself from acting as the developer and implementing its construction measures under its own responsibility. Given the problems both within the remit of the applicable federal state building authorities and at the Federal Office for Building and Regional Planning, it would make sense if the Bundeswehr, given its constitutional defence mandate, were given the freedom to implement **construction projects** under its own responsibility and authority - at least whenever it is urgent and the agency of the federal states is not sufficient. This option should be examined.

But too frequently, the Bundeswehr itself also makes things more difficult than they need to be.

- *At 1 Light Infantry Battalion in Schwarzenborn, servicewomen and men have to do their drills and exercises at the Wildflecken training area 60 kilometres away. The commander's request to extend the use of the Schwarzenborn training area was denied*

*by the Territorial Tasks Command. This means that training time will continue to be wasted "on the road". The superior command should reconsider its decision.*

- *As the Parliamentary Commissioner learnt during a field visit to 232 Mountain Infantry Battalion in Bischofswiesen, soldiers' personal military equipment has now reached a level that requires two lockers per soldier. On this matter, the Ministry states that if the units were to report a corresponding need, they could request additional lockers through the relevant Bundeswehr Service Centre. This will not make accommodation quarters any larger though.*

When designing **accommodation** for servicewomen and men, the Bundeswehr should fundamentally ensure that there is sufficient space for their "tools", so for their military equipment, including reserves.

Another example from Bischofswiesen demonstrates how legal regulations sometimes hinder sensible decisions.

- *Servicewomen and men from the 232 Mountain Infantry Battalion were deployed in the vicinity of their site during the snow emergency that hit last winter, especially in southern Bavaria. When it was later necessary to also clear the roofs of their own barracks, though, the soldiers were forbidden from doing so. Instead, a civilian company performed the work. BAIUD, responsible for the matter, explained this by stating that service personnel could only be deployed for this task if a disaster had been expressly declared, but this risk level had no longer been in place at the time of the plans to clear the snow from the barracks roofs, which meant that there was no legal basis for clearing the snow.*

In accordance with the Coalition Agreement and taking into account the decisions taken so far on the reversal of the personnel, materiel and financial trends, the Ministry of Defence has comprehensively reviewed past **stationing decisions**. On the basis of this, a total of twelve barracks and eight materiel and ammunition storage facilities previously scheduled for closure are to remain in operation. It is good that in terms of infrastructure, too, the Bundeswehr initiated further steps aiming to accommodate the needs of a growing force in the year under review. The continued operation of barracks could *inter alia* alleviate the problem of rising rents for commuting Bundeswehr service personnel at some locations. An example of this is the housing market situation in Ulm and the Munich area.

For the Ulm site, the intention to still sell the Bleidorn Barracks is the wrong decision given the increase in personnel. The same holds true for the

barracks in Feldafing, which are to be partially closed. In the past it was possible to accommodate 70 service personnel not obliged to live in official accommodation. If this capacity is lost, for many servicewomen and men this will mean their housing situation getting worse because the property in neighbouring Pöcking that houses the IT school is too small to provide sufficient accommodation for its employees. Against this background, it is obvious that in the future it will be more difficult for personnel management to recruit the large numbers of sergeants and officers required for the officer specialist service for assignment to this region. Whilst it is positive that the Bundeswehr is no longer insisting on complete divestiture of this property, it seems to make more sense to keep the entire property for Bundeswehr purposes, also in order to make sure the Bundeswehr is ideally positioned in the field of information technology.

The example of the Wilhelm-Frankl Barracks in Neuburg an der Donau shows that growing accommodation needs can indeed lead to planning adjustments:

- *Surveys conducted at the site in Neuburg at the beginning of the year under review revealed a significantly higher long-term need for accommodation. This led to a construction project originally limited to 36 accommodation units being abandoned. Instead, 72 new accommodation units are now to be built. It would be good if the currently scheduled completion date in November 2024 could at least be kept to or, better still, brought forward.*

It is also positive that the continued operation of Hohn Airfield in Schleswig-Holstein has been able to be ensured. Preserving this airfield ensures the continued existence of an Air Force base strategically located between the North and Baltic Seas.

Whenever it is planning accommodation for its servicewomen and men, the Bundeswehr must not forget that it also needs to have sufficient capacity for reservists on hand and, if necessary, build it. The Ministry should take seriously reports that, for instance during duty drills at the Berlin site, many of the reservists are unable to be accommodated at the Julius-Leber Barracks there. Reservists belong in the barracks and not at an outside hotel.

As suggested in the previous annual reports, it would be wise for the barracks commanders responsible for running a military property to be given professional support from an officer working full-time on infrastructure issues. Morale, welfare and recreation issues, transport connections and similar should also

be covered full-time by the stationed formation's staff. It is good that the Army is planning to establish eight regional **infrastructure teams**. These are to be resourced with three posts each at army agencies and are to be responsible for the respective region in which the team is located. At least one soldier per team is to have background knowledge in construction in order to support the troops on site in the qualified preparation of demand requests. This is a step in the right direction at any rate.

## 8. *Innere Führung*

### Leadership behaviour

Only superiors whose behaviour is exemplary can expect respect, esteem and the best performance from their subordinates. Mutual trust and knowing you can count on each other are absolutely essential for solidarity and cohesion in daily military life. The prerequisite for this is pro-active expectations management. Superiors need to clearly communicate the task at hand. For their part, subordinates should ask constructive questions if the task is unclear. If this two-way communication fails to happen, even minor issues can lead to major discontent.

- *During a field visit, servicewomen and men reported to the Parliamentary Commissioner that superiors had instructed them to return their rucksacks as they were needed at other locations. In actual fact, however, most of the rucksacks had then been destroyed because they were no longer suitable to be passed on. Some of the soldiers had used their rucksacks several times on deployments and so these were of sentimental value to them. Their sense of frustration and disappointment was accordingly high.*

Under the Military Personnel Act, cohesion and solidarity in the Bundeswehr is based largely on **comradeship**. All servicewomen and men are obligated to respect the dignity, honour and rights of their comrades. If superiors of all people fail to do so, this jeopardises the cohesion and smooth running of the Bundeswehr.

- *A first lieutenant threatened a lance corporal multiple times in the presence of other soldiers: "I'll stab you to death", "I'll fuck you till you bleed". On other days, in a drunken state, he struck him several times with his flat hand on the back of the head and on the cheek in the presence of witnesses. He would also appear before his recruits at the start of service heavily intoxicated. Other cases of misconduct in a drunken state, including sexual acts in public, have been attested by witnesses. He did not even shy away*

from taking an underage recruit to a brothel. Judicial disciplinary proceedings were initiated against the first lieutenant.

- Another first lieutenant kicked a lance corporal in the shin during training. On a night reconnaissance patrol he grabbed another lance corporal by the collar of his uniform and lectured him on his tactical behaviour in a combat situation. The disciplinary superior imposed a nonjudicial disciplinary punishment on the first lieutenant. The disciplinary attorney's office did not consider this sufficient and therefore initiated preliminary disciplinary investigations.
- A staff sergeant stands accused of striking a lance corporal in the neck violently from behind in the presence of fellow soldiers. The lance corporal was in pain and had to vomit during the night. At the hospital, the attending physician diagnosed a craniocerebral trauma/whiplash injury to the cervical spine, which left the soldier unfit for duty for several more days. The disciplinary attorney's office has filed charges against the staff sergeant at the disciplinary and complaints court.
- In the presence of other soldiers, a major made a comment to the effect of "Ah, the company commander and his bunch of striplings again, they just laze around all day anyway". Another day, during a follow-on training course at a makeshift sand table, also in the presence of other fellow soldiers, he said, "Am I in a spastics workshop here? You're monkeys with downs syndrome". The soldier was banned from promotion for a period of 24 months and his salary was reduced for a period 12 months.
- A Navy lieutenant said to a petty officer: "If I knew my kids would look like you, I'd cut my balls off". A nonjudicial disciplinary punishment was imposed on the lieutenant.
- A chief master sergeant told his platoon to push a corporal, junior grade he had specifically named into the river during the endurance march or to leave him behind if he did not make the grade. The disciplinary attorney's office has initiated preliminary disciplinary investigations.

### Violation of the free democratic basic order

One of the core duties of servicewomen and men is to unreservedly acknowledge the free democratic basic order as enshrined in the Basic Law and to actively champion it being upheld at all times. Extremist ideology has no place in the Bundeswehr.

Servicewomen and men displaying **extremist behaviour** are committing a disciplinary offence. This is already the case if they play down extremist aspirations or behave in a way that gives the impression that they do not always champion the free democratic basic order. Under the applicable regulations, such disciplinary offences must be reported to the Bundeswehr as "reportable events" with "suspicion of activities that jeopardised the democratic rule of law", "impermissible political activities" or "incitement to enmity and hatred". In 2019 there were 178 "reportable events" in these categories. In 2017 there were 167 and in 2018, 150 reports of this kind. In addition to this, in this reporting year the Bundeswehr also reported 19 cases in other reporting categories, in particular discrimination cases related to extremist behaviour. In 2018 there were 20 suspected cases with extremist content of this kind, mostly in the reporting category "discrimination".

By the end of 2019, the investigations of the 197 relevant reported cases confirmed the suspicion in 45 cases, in 33 cases no disciplinary offences were ascertained or no soldiers were identified as perpetrators. In the remaining cases, investigations are ongoing. The case below was unable to be solved in 2019:

- On a lawn at a barracks in Schleswig-Holstein, a change in the colour of the vegetation produced a four by four metre swastika. It was only visible from the first floor of the adjacent building. The swastika was probably created by using fertilisers. It was not possible to ascertain who had spread the fertiliser and when.

The reportable events were all what are termed **propaganda cases**. These include introducing extremist music to Bundeswehr properties, performing the banned "Hitler salute", shouting "Sieg Heil", xenophobic and anti-Semitic comments, extremist graffiti in the vicinity of the Bundeswehr and posting extremist content in the form of text or pictures on social networks. There were also isolated suspected reports of the soldier in question being a Reichsbürger (Reich citizen) or the soldier being a member of an extremist group.

- A staff sergeant posted a video in a private WhatsApp group of his unit's NCO corps showing a table with an illuminated swastika under its mirror-glass surface. Two unidentified people in the video made positive comments about the table and the swastika. A nonjudicial disciplinary punishment was imposed on the soldier in question.

- In response to the allegedly excessive prices of goods, a female staff sergeant made a comment

about a canteen leaseholder at a Bundeswehr property to the effect that she wouldn't go to the Jew, she wouldn't throw any more money down the Jew's throat, that was a proper Jew. The servicewomen had to account for her actions before a disciplinary and complaints court in the scope of judicial disciplinary proceedings.

- A staff sergeant said “Sieg Heil” at least once at his unit's New Year's reception, raising his right arm into the prohibited “Hitler salute”. The relevant local court issued a penalty order against the soldier in question. Internal judicial disciplinary proceedings at the Bundeswehr have been initiated.

- A corporal, senior grade insulted another soldier in his platoon saying: “He should wait tables, he's black”. His disciplinary superior sanctioned the comment with a nonjudicial disciplinary punishment.

In the year under review, the Bundeswehr prematurely dismissed 45 soldiers for extremist misconduct. This includes the soldiers who were reported in this category in the year under review as well as soldiers who had already been reported for extremist behaviour in 2018. In 2018, the Bundeswehr prematurely dismissed 27 soldiers for extremist misconduct. This in turn also includes soldiers reported in 2017. These figures are not comparable with the figures from the previous year's report, as these were based on a different system: here, only the **dismissals** already decided out of the reported cases in the year under review were listed.

The following examples resulted in dismissals:

- One NCO said: “All Jews should be gassed”. He asked a fellow soldier if they still “hunted black people” in Neustadt. He also verbally abused passers-by.

- A lance corporal asked a fellow soldier in the presence of other fellow soldiers whether he was a Nazi and performed the banned “Hitler salute”.

- In his locker, a private had inter alia a photograph of a person in SS uniform, a replica of an unmarked MP-40, blanks and ammunition parts in rather large quantities.

In isolated cases, soldiers took the disciplinary investigations against them as an opportunity to prematurely end their service in the Bundeswehr of their own accord:

- One recruit drew a swastika on the back of the left hand of a female fellow soldier with a ballpoint pen. He pre-empted his immediate dismissal by revoking his formal obligation.

- Another recruit kept a Wehrmacht uniform with a swastika, an original pay book and a blank-firing gun in his room. During a police search of his parents' home, conducted with his consent, more blank-firing guns and narcotics were found. The soldier claimed that he had not collected Wehrmacht regalia for ideological reasons but nonetheless exercised the right to revoke his formal obligation before the disciplinary investigations were completed.

Greater **command supervision** could potentially help to avoid such cases. After reaching the age of 25, servicewomen and men in principle are no longer entitled to reside at the barracks. This means that the supervision of younger recruits lessens once duty hours are over: If a large number of superiors and older soldiers has left the barracks, the danger does indeed exist that some recruits will be left to their own devices because experienced interlocutors who could explain the ins and outs of military life in a comradely conversation after duty hours and who form part of the social control mechanisms are lacking.

Beyond “reportable events”, the Federal Office of Military Counter-Intelligence (FOMCI) reviews cases of suspected extremism within the scope of its legally defined remit. In the category of **right-wing extremism** there were 363 new suspected cases during this reporting year (2018: 270). This is considerably more than in the previous year. The Special Forces Command (SOFCOM) became a focal point of the Federal Office's work here. The Ministry of Defence reports that the command supervision had noted that the SOFCOM staff does not have a sufficient number of personnel to tackle the issue of *Innere Führung*. Since then, an additional post has therefore been created for a senior officer specifically for this issue. It is expected to be filled in the course of 2020. Furthermore, SOFCOM is holding more events dealing with civic and historical education and ethics. The SOFCOM commander himself regularly talks to leadership personnel about all topics related to right-wing extremism. In addition to this, applicants for SOFCOM have to undergo even more intensive suitability checks during the recruitment process.

In the categories of Reichsbürger/supporters of self-governance and Islamic extremism, the Federal Office of **Military Counter-Intelligence** identified 16 and 77 new suspected cases respectively (2018: 20 and 50). Since its transformation in 2017 into a civilian higher federal authority reporting directly to the Ministry of Defence, the Military Counterintelligence Service (MAD) has had new tasks, such as pre-employment screening for military personnel and bolstering cyber defence. Counter-extremism re-

mains the focus in processing suspected cases, now in an independent department as of 1 October 2019. It would be good if the realignment and increase in personnel could now lead to MAD being able to counter extremism even more effectively. The service should inform the public about the outcomes of its work in an annual report of its own, like the Federal Office for the Protection of the Constitution does.

### Excessive harshness in training

There were cases of excessive harshness or harassment again in the year under review:

- *On the sixth day of training, 81 recruits had to complete a run of 2.5 kilometres in field gear, gloves, woollen socks and cross-country running shoes in the afternoon at temperatures of 28 degrees Celsius. The exercise consisted of running sections, push-ups and some rest periods. The leader was supported by another eight participants. Based on the findings of the investigation to date, 16 recruits consulted the unit physician due to dehydration and overexertion, one recruit due to a foot injury. Two soldiers had to go to hospital. Another seven recruits also had to break off their training but did not go to the unit physician. None of the recruits suffered any permanent damage. This is the only good news to emerge in this case.*

Although servicewomen and men are free to break off such an ordeal on their own - which in this case the instructor had even specifically informed them of - the case shows that it is necessary time and again to raise awareness among instructors and training planners on the topic of physical training in relation to the weather, physical strain and fitness level of the trainees and to brief instructors on heat injuries and physical strain.

- *In another case, a soldier had to carry stones as a “counterweight” as part of training for his post. Even if the soldier, whose fitness level had been categorised as low, was not carrying any equipment, carrying stones as an educational measure smacks of the Stone Age and runs contrary to the principles of Innere Führung.*

Those instructing recruits have a special responsibility which they must handle with care. They are also responsible for the health of the servicewomen and men entrusted to them. The Bundeswehr is increasingly training older recruits, some of whom have very different physical **fitness levels**. Tasks which from the point of view of the instructors may seem easy and not too much to ask may not yet be some-

thing you can expect of new recruits at the start of training. Every injury is one too many. However, by far the vast majority of instructors achieve good training results hand in hand with the recruits.

### Tradition

The year 2017 and the first half of 2018 were a turbulent time for the Bundeswehr’s understanding and cultivation of tradition. Individuals failed to respect rules governing the **understanding of tradition** in relation to National Socialism and the Wehrmacht. There was a controversial public debate on soldiers’ self-image in this regard. Structural failings in imparting civic and historical knowledge came to light, and the sense of uncertainty and insecurity among soldiers ran deep. A fair amount has happened since then. Transparency and public debate have had an awareness-raising and sensitising effect. The political leadership has made a recognisable effort to work on the foundation of trust and confidence among the troops and to draw the right conclusions.

Has this process of reflection now contributed to a noticeable improvement? Two years later we can say that calm has returned. The new Directive on Tradition has stood the test of time. The idea of according greater importance to the Bundeswehr’s own tradition spanning more than 60 years is meeting with approval.

There was movement when it came to **renaming barracks**. The Bundeswehr renamed the Schulz-Lutz Barracks in Munster named after two Wehrmacht officers, to the Örtzeltal Barracks during the year under review at the request of the soldiers stationed there. The previously nameless Bundeswehr property in the Garching-Hochbrück district is now called the Christoph-Probst Barracks, the first time a Bundeswehr barracks has borne the name of a member of the “White Rose” resistance group. The Bundeswehr is currently reviewing other barracks names on the basis of the new Directive on Tradition.

## 9. Daily military life

### Military Personnel Working Hours Ordinance

The Military Personnel Working Hours Ordinance, which entered into force on 1 January 2016, remains a source of confusion.

- *Servicewomen and men from a combat battalion reported that their basic operations workload often exceeded what they believed to be the maximum weekly working hours allowed of 48 hours.*

Aside from the fact that the workload and the **regular weekly working hours** for basic operations quite obviously do not match, the Military Personnel Act and, following it, the Military Personnel Working Hours Ordinance do not stipulate a weekly maximum that has to be adhered to. The legal requirement is instead that weekly working hours of 48 hours may not be exceeded on average over the year. Soldiers need to be informed of this.

In the area of naval aviators, one aspect of the Act on the Sustainable Strengthening of the Bundeswehr's Personnel Operational Readiness, which was only available in draft form at the time, attracted criticism.

- *This concerned the planned provision in the Military Personnel Act to increase the average weekly working hours for flight crew activities in the Maritime Search and Rescue Service from 48 to 54 hours by statutory order. The servicewomen and men feared that they would receive less financial compensation for their time.*

This fear was able to be eliminated, as the legislator has taken concerns in this vein into account during the parliamentary consultations. The Maritime Search and Rescue (SAR) Service will remain a basic operations service, which means the rules on compensation for **overtime** worked in basic operations apply. Furthermore, compensation is to be paid for the additional strain resulting from the special times and hours associated with the SAR Service. If overtime exceeds 48 hours per week, for instance, financial compensation can be paid under the Military Personnel Overtime Remuneration Ordinance.

- *During a field visit to the Special Operations Training Centre in Pfullendorf, servicewomen and men expressed their dissatisfaction at the fact that the Military Personnel Working Hours Ordinance had led to cutbacks in the content of training, at the expense, for instance, of physical training and fire-arms training. The Ministry of Defence highlighted that the Military Personnel Working Hours Ordinance was not to blame for this and that it only brought to light the cited shortfalls: there was a fundamental imbalance between the tasks and missions to be performed and the available resources and means.*

It should be clear that duty rosters and training projects should be designed in such a way that servicewomen and men receive training that enables them to fully carry out their mission. This also raises the question of whether changes in **time management** or an extension of basic training are necessary when designing general basic training.

The Military Personnel Working Hours Ordinance encourages the rational use of working and training hours in the interests of safeguarding the health of service personnel. There is considerable room for improvement in some areas, as the complaint filed by a member of the 5th Company of 7 CBRN Defence Battalion shows. This unit has been relocated to Husum, the rest of the formation is located in Höxter, in Westphalia, 400 kilometres away.

- *The soldier reported that, like other comrades in the company, he was supposed to undergo further training in Höxter, beginning at 07.00 in the morning. They had therefore travelled there the day before. The training lasted an entire 34 minutes, after which they embarked on the return journey.*

The nationwide rollout of automated **time and attendance recording** will not start in 2020 - as originally planned - but will be delayed by at least 16 months according to the Ministry of Defence. This pushes back completion, which was scheduled for 2023, even further. So it makes all the more sense for individual agencies and units, such as the Bundeswehr Logistics School in Osterholz-Scharmbeck, to make an effort to develop tailored transitional solutions for their domain. The Ministry of Defence should abandon the sceptical attitude towards such interim solutions it has adopted to date.

## Welfare

In 2012 – so seven years ago - the Bundeswehr reorganised the provision of government-furnished meals and food MWR (morale, welfare and recreation). Drafting site-specific catering and MWR concepts is proving an extremely slow process though. Only 86 out of 220 locations have put a concept in place, which in turn is the basis for any building changes. Occasionally, differing views on how local food MWR services should develop in the future paralyse the process. The planned increase in personnel at the Bundeswehr Subsistence Office is also taking longer. Whether centralised management is the right choice here at all is dubious.

For several years now, the Land Systems Technology Training Centre in Aachen has been waiting for a **catering and MWR concept**. The centre trains more than 4,000 course participants each year, including from other nations and the private sector. The Parliamentary Commissioner already highlighted the untenable situation in the last annual report. Since then, the overall situation at the site has become worse rather than better. The mess halls and serving area at the Körner Barracks have been closed on hygiene grounds. A new building is needed in order

to resume the provision of food. There is no local alternative. All units and agencies at the Aachen location rely on the mess hall at the Donnerberg Barracks. From there, prepared meals are brought to the dispensing kitchens at the Lützow and Löwenstein Barracks. Servicewomen and men from the Körner Barracks are driven to these two barracks for meals - breakfast, lunch and dinner. This alone seems questionable, not just under the conditions of the Working Hours Ordinance. After all, under Type A General Publication 1900/2 on Section 18 of the Military Personnel Act, course participants are obliged to participate in government-furnished meals. Without a site-specific catering and MWR concept, new construction planning in Aachen remains impossible. Only a non-bureaucratic approach would make a quick solution possible here.

The situation is different at the Todendorf/Panker site in Schleswig-Holstein. Here, like at the seven other locations where the model project “**Food MWR 2019+**” is taking place, good initial results have been achieved. The challenge in Panker lies in the fact that there is no continuously uniform use of the service and that food requirements and personnel levels are virtually impossible to plan. The servicewomen and men permanently stationed there usually leave the barracks in the late afternoon. Sometimes, military personnel from a Dutch formation is on site. At irregular intervals, personnel from the German Surface-to-Air Missile Squadron also undergo training there. Unfortunately for the servicewomen and men, this makes Panker rather unattractive to caterers. The development concept now offers this location better prospects in that the Federal Government is funding necessary services that do not offer adequate revenues for catering operators. Those involved in drafting the tender document in Panker felt included from day one. The new facility is scheduled to go into operation in 2020. It is to be hoped that the knowledge gained from the model project will help accelerate the drafting of the many catering and MWR concepts still outstanding.

Both the Subconcept on Morale, Welfare and Recreation Activities in the Bundeswehr and the intended Specialist Strategy on Morale, Welfare and Recreation Activities set forth an **MWR office** at each location as a central organisational element of non-food MWR provision. Professional non-food MWR services, designed to appeal not just to active service personnel, but also alumni, reservists and their families, should be provided by a full-time staff member. It was to this end that the Ministry of Defence already established the first 53 posts in 2018, 47 of which it filled with mainly military and civil servant

personnel. The recruitment of additional full-time staff stalled in 2019. 75 new posts will remain vacant for the time being, as an economic efficiency assessment is first to be conducted which will again question the need to use full-time personnel for this task. This is holding up implementation of the concept.

Employees at the MWR offices and family service organisations need clear rules for elementary aspects of their day-to-day work. This also applies to questions of materiel resourcing and the policy towards follow-on training measures. It may be helpful that a central service regulation on this is now planned.

### Catering

There is currently a shortage of mission-related catering in the Bundeswehr, and this is a homegrown problem. To meet the short-term demand of the NATO Response Force (NRF) for individual combat rations the Ministry of Defence had to rely on supplies from NATO partner France. According to the Ministry of Defence, the stockpiling levels previously prescribed were not sufficient to meet the current demand.

Soldiers used to heat hot meals from the **individual combat rations** on their Esbit cooker in an aluminium tray. The current field and combat rations which are shrink-wrapped require a water bath for cooking.

- *“How a soldier is supposed to pull this off in his mess kit, possibly even in desert landscapes (Afghanistan, Mali, Iraq), where every sip of water is precious, is a mystery to me”, writes one petitioner in his submission.*

The amount of water the troops have to carry specifically for this purpose is indeed considerable, as is the time it takes to heat the meal. On the other hand, it is understandable that the Bundeswehr prefers this solution given that heating aluminium trays can release harmful substances. But field and combat rations also need to be practicable. Here it would be good if alternative solutions were reconsidered.

The Bundeswehr has a total of 260 catering facilities for government-furnished meals. Servicewomen and men do not always approve of the catering in the **mess halls**.

- *One petitioner found the fact that the mess hall at the Schwarzenborn site often closed in the evening and there were no more meals a sign of a lack of due care. Alternative catering from thermos containers*

*was no solution, he felt. Tackling the shortage of personnel was the only solution.*

As the Federal Ministry of Defence conceded, this still existed half a year after the soldier's complaint. Nevertheless, the mess hall was able to offer all the different meals in the day again.

The quality of the work of the catering staff themselves, so the cooks and kitchen assistants, also determines whether customers are happy or not. Bundeswehr members certainly notice that mess halls vary a great deal, even though the Bundeswehr mess halls have to offer a menu plan that is 90 per cent the same. A menu plan organised solely on the basis of efficiency and economy is boring and unappealing over time. A more varied range of meals incorporating regional suppliers not only strengthens regional businesses and encourages the staff in the mess halls to take the initiative more, it also motivates **cooks and kitchen assistants** to show what they can do, encourages servicewomen and men to identify with a location and ultimately leads to greater satisfaction for all concerned. Head cooks in the mess halls already have the option of making changes to the menu in the central catering plan, for instance to offer regional or seasonal dishes or to be able to respond to special requirements. They should avail themselves of this option more. It may also be helpful to incorporate the findings of the online surveys conducted recently, although greater participation on the part of soldiers would be desirable.

On 1 August 2019, the Bundeswehr lowered the prices of everyday consumer products such as beverages, food and confectionery, personal hygiene items and cigarettes – known as **personal demand items** - by deducting the shipping costs from the prices for all contingents. The funding of the shipping of personal demand items in the scope of mandated missions, recognised missions, quasi-operational commitments and exercises abroad is now financed from the relevant defence budget item for shipping services. When the master agreements were modified on 1 June 2019, the warehouses of the sales points in the countries of operations still contained extensive inventories calculated on the basis of the previous purchase prices. With the involvement of the participation bodies, it was decided to sell these stocks at the old, more expensive price until the end of July. Only after that did the price cuts take effect.

### Financial matters

At the end of the year under review, the German Bundestag passed the Military Pay Structure Mod-

ernisation Act (BesStMG), which was drafted under the leadership of the Federal Ministry of the Interior and which largely reflects the demands of the Federal Ministry of Defence.

**Pay for foreign assignments** has now been improved thanks to an increase in the daily rates for the (tax-free) foreign assignment allowance to up to €145, foreign assignment allowance for initial reconnaissance teams, an extended foreign assignment allowance entitlement for temporary duty travel of more than 14 days in the theatre of operations and continued payment of foreign assignment allowances in the event of short-term return to the home country.

#### Foreign assignment allowance daily rate (tax-free)

	old	new
Level 1	€30	€48
Level 2	€46	€69
Level 3	€62	€85
Level 4	€78	€103
Level 5	€94	€123
Level 6	€110	€145

In its draft bill, the Ministry of the Interior decided not to link the daily rates to the general evolution of military pay in the future, as the Parliamentary Commissioner's annual reports had called for. This is regrettable. The Ministry of Defence also failed to assert its demand for overtime to be compensated in addition to foreign assignment allowances in the Military Pay Structure Modernisation Act. The Ministry of the Interior stated that the reason for this was that the foreign assignment allowances already provided compensation for the negative impacts of special working hours.

Existing **allowances** were also raised: The master craftsman's allowance is €55, the security allowance is scaled to up to €300 depending on the pay group, the aircrew allowance is scaled to up to €680 depending on the assignment category and the allowance for company sergeant majors to €135. There are also new allowances: a leadership allowance for special leadership roles up to A14 at the level of company commander, scaled to up to €150 (with no bureaucratic field duty allowance); a cyber allowance for special activities in the field of cyber defence, scaled to up to €300 depending on the pay group; an IT-Bw allowance for special activities at central IT facilities of the Bundeswehr, scaled to up

to €192 depending on the pay group; a seagoing allowance of up to €350 for ship crews, €700 for submarine crews (less bureaucratic combination of the previous functional and hardship allowances for sea assignments); a protocol allowance for special activities in the protocol services of the Ministry of Defence guard battalion of €50.

It is also pleasing that the differences in pay for door gunners in the helicopter units of the Army and Air Force which were criticised in previous annual reports are being improved for Army personnel.

Members of the **special forces** and support personnel stand to benefit from another financial improvement. There are significantly increased bonuses for commando soldiers and combat swimmers, an extension of the hardship allowance for specialised forces and a new hardship allowance for especially skilled support personnel, scaled to up to €500 depending on the assignment.

Another new feature is an exceptional circumstances allowance, a set-sum allowance of €91 gross per day for time spent in exceptional circumstances under the law governing working hours instead of what are known as **crediting cases** and the allowance for service at unfavourable times. Time off in lieu continues to take priority in all of this. This is unlikely to be the best solution for all servicewomen and men and meets with criticism as a result.

Finally, there is remuneration for standby duty and on-call duty at Bundeswehr hospitals, including for civil servant physicians, removal of the time limit for the opt-out remuneration regulation for Bundeswehr fire service personnel and a transfer of the mothers' pension to the law governing civil service and military pensions with equivalent effect.

Long **processing times** are a typical Bundeswehr problem in many personnel processing areas. Waiting times in determining the pay grade - one of the factors determining pay - made life difficult for many soldiers in the year under review.

- *One petitioner had to wait almost half a year after being re-employed by the Bundeswehr for her pay grade to be set correctly. The Ministry of Defence conceded that processing times of up to ten months are even possible, citing the growth in headcount of the armed forces in combination with an amendment to the Federal Civil Service Remuneration Act of 2016 as the explanation behind this.*

This is not plausible: the amended law has been in force for more than three years, and the responsible agencies should be prepared to manage an increase

in the Bundeswehr headcount of one to two per cent per year.

Missions abroad routinely entail special risks and strains. The Military Pensions Act duly reflects this for career soldiers in Section 25 (2) by recognising periods spent on a special foreign assignment as doubly pensionable. Servicewomen and men have criticised the fact that the Ministry claims that this **improved pension law status** only applies to missions abroad after 1 December 2002. The Military Pensions Act itself does not contain any cut-off date of this kind. Courts, including higher court decisions, back up the criticism. So when the Bundeswehr continues to tell the soldiers affected that they are free to take time-consuming and costly legal action it runs contrary to the notion of the duty of care. For this reason, the Ministry of Defence should refrain from applying a cut-off date as a condition for the double recognition of periods spent on a special foreign assignment.

The introduction of a **conurbation allowance** would be the most effective tool to absorb the significantly higher cost of living faced by servicewomen and men stationed in the greater Munich area compared to their comrades stationed in the Bavarian Forest, for instance. In locations with high rents in particular, an allowance of this kind makes renting housing easier. Given the almost impossibly complex system of allowances at the Bundeswehr, it is surprising that here of all places, the Ministry of Defence sees no basis for granting a specific allowance under remuneration law. The Ministry believes that the risk of no longer being able to recruit suitable personnel for expensive locations can only be countered using personnel retention and recruitment instruments.

Improving the legal status of service personnel returning from missions abroad has not been satisfactorily resolved yet when it comes to separation allowances. Soldiers who go abroad with a full commitment to reimburse relocation expenses will be reimbursed for the costs of returning to their home country once their assignment there has ended. However, if the place of residence chosen is outside the catchment area of their new place of service in the home country, they are no longer entitled to a separation allowance for commuting between home and work. The law assumes that the soldier's decision on where to reside is solely his or her personal decision and is therefore not based on duty-related reasons. This legal situation fails to recognise the reality of soldiers' lives and in turn the actual reasons behind many servicewomen and men's choice of residence, in particular their family ties. It is good that the Ministry of Defence – even in the face of

resistance from the responsible Federal Ministry of the Interior - is endeavouring to amend this unattractive separation allowance provision.

The Military Pay Structure Modernisation Act has finally closed a gap repeatedly brought up during field visits: There is now also an **elective right to choose** between reimbursement of relocation costs and the separation allowance for transfers or detachments from Germany to other countries.

As a rule, a person is entitled to a **separation allowance** if the distance between the place of residence and the place of service is over 30 kilometres. There are exceptions to this rule:

- *One soldier described, for instance, that he was originally deployed at a property in Cologne which was 29 kilometres away from where he lived. This meant no entitlement to a separation allowance. He subsequently worked at the Federal Office of Bundeswehr Personnel Management, also based in Cologne, though now the distance to his home was 48 kilometres. However, he did not receive a separation allowance. Under the Separation Allowance Ordinance, an additional condition is that the official duty location has to change. That was not the case here.*

Fortunately, the Ministry of Defence is endeavouring to change the legal situation in order to avoid such cases in the future. Greater flexibility would also be desirable when it comes to the **reimbursement of travel costs**:

- *A soldier, who was supposed to go on temporary duty travel to the US from Frankfurt airport decided at short notice to travel to the airport by car as the railway line was temporarily closed. He was not reimbursed for the costs he incurred as a result, and his complaint was rejected by the Federal Office of Bundeswehr Infrastructure, Environmental Protection and Services with the argument that he should have declared and justified the necessary duty-related interest in the use of a passenger car in advance. This is rather unrealistic in a case like this, which the Ministry did indeed acknowledge when reviewing the submission. The soldier retroactively received payment for the use of the car.*

Servicewomen and men deployed at the Bundeswehr hospitals provide an indispensable service in the field of health care and deserve great appreciation for this work. It is not acceptable that some have to pay **medical association fees** out of their own pocket in order to be able to do their work:

- *For instance, one servicewoman deployed as a specialist nurse at the Bundeswehr Central Hospital*

*in Coblenz in Rhineland-Palatinate complained that she had to pay the annual fee of €100 for her compulsory membership of the nursing association in this federal state. In federal states without nursing associations, this expense did not exist.*

The Bundeswehr must find a solution that allows it to pay or reimburse the fee.

The Bundeswehr supports the special bond that servicewomen and men develop with their **service dogs**:

- *A service dog handler could not understand why she had to pay the travel costs for her service dog out of her own pocket when travelling home on German Rail trains. Since 1 February 2019, it is now possible to claim travel costs for a service dog under the service dog handler's travel allowance.*

At the beginning of the year under review, retired service personnel complained that they had to wait longer than 15 working days - sometimes over six weeks - until the allowance office at the relevant Federal Office of Administration had approved their **allowance applications**. This was due to faulty accounting software, a total system failure nationwide on several working days and a particularly high level of staff off sick at the allowance offices. After the responsible Federal Ministry of the Interior took numerous personnel management and organisational measures to reduce processing times there were no more complaints in the second half of 2019.

## Physical training

On 3 September 2019, a workshop on "Physical Training in the Bundeswehr" was held at the Office of the Parliamentary Commissioner for the Armed Forces. The key topics were: physical training during basic training, physical training as part of duty, high-performance sport, infrastructural prerequisites and the personnel situation in the area of physical trainers/instructors.

For general basic training, the Army has embarked on a new path with what it terms **activating physical training**. This visibly bolsters team spirit and service personnel are encouraged to develop a love of exercise. By dividing them into three groups based on their level of fitness, the individual needs and requirements of recruits can be better catered to. According to the Ministry, the number of basic training dropouts has since declined noticeably. This is a great success.

However, the infrastructural conditions for physical training at the Bundeswehr are not at their best: 62

out of 257 sports halls (a quarter) and 34 out of 203 sports fields (17 per cent) in Germany are in a poor or unusable condition or under construction. The Bundeswehr needs to hurry, it is growing and will need more sports facilities in the future.

The **swimming pools** in particular face major problems. In many places, the Bundeswehr has to rent civilian swimming pools, where it is often not permitted to swim in clothes, as it lacks facilities of its own. Furthermore, the times when they can be used are strictly regulated.

The condition of the sports facilities at the Eckernförde site is rather sobering, for instance.

- *Sports facilities were insufficient, soldiers reported during the field visit to the sea battalion. In the past, the companies had set up their own small weight rooms at the existing properties. These had now been prohibited on fire prevention or occupational health and safety grounds. Soldiers were now having to use local gyms instead. The swimming pool had not been in operation for years. Physical training instructor courses at the Bundeswehr Sports School were highly sought-after and difficult to get onto, they said. So it would be good if the sports school could send mobile training teams to the formations so that multiple soldiers could be certified as instructors at the same time. The Ministry of Defence is of the opinion that the existing fitness facilities in Eckernförde are sufficient. Only the target occupancy rate from 2025 onward meant an additional fitness room would be needed, it said. The diver training pool would be available again at the end of 2020. The Ministry does not believe deploying mobile training teams would be expedient.*

In contrast to the domestic situation, the active promotion of physical training on missions abroad is pleasing. There are already full-time sports instructors at several mission locations. In Germany, this task is currently performed mainly by part-time instructors. In recent years, their training has been severely neglected due to many vacant teaching positions at the Bundeswehr Sports School in Warendorf. As of the first quarter of 2020, all the posts for special branch instructors are expected to be filled again. This will hopefully have an impact on the training of the **part-time physical training instructors**. In addition to this, it would make sense at formation level in Germany to employ full-time, qualified sports instructors in order to increase the quality of physical training for soldiers. The posts required for this purpose should be made sufficiently attractive (E12/A13 pay level) so that former top athletes from the Bundeswehr sports promotion sections are also interested in them.

## Chaplaincies

Section 36 of the Military Personnel Act states: “every servicewoman or serviceman has a right to pastoral care and unhindered religious practice. Attendance of religious services is voluntary”. The provision has remained unchanged to this day, and to the Parliamentary Commissioner’s knowledge there are not even any proposals for amendments. And yet the right formulated therein has undergone change. In the 1950s, the German Bundestag had Catholics and Protestants in mind during the debate on military chaplaincy. This was understandable at a time when 98 per cent of the members of the Bundeswehr were Evangelical Lutheran or Catholic. Today, things look very different: Only around half of servicewomen and men still belong to one of the two Christian churches. The number of non-religious servicewomen and men is now almost as high and rising. And based on Bundeswehr estimates, there are about 300 Jewish service personnel and about 3,000 servicewomen and men of the Muslim faith. Their number is increasing.

So the question now is what specific shape this right can take for Jewish and Muslim chaplaincy. After a review process lasting almost eight years, in spring 2019 the Minister of Defence decided to expand chaplaincy within the Bundeswehr to include a Jewish section. On 20 December 2019, Minister of Defence Annegret Kramp-Karrenbauer and the President of the Central Council of Jews in Germany, Josef Schuster, signed a national treaty on **Jewish military chaplaincy**. 100 years after the last military rabbis served in the German armed forces, they will now soon serve again. It has been a long road towards this. The model builds on the experience gained with the Evangelical Lutheran and Catholic chaplaincies. The Central Council will be responsible for theological supervision, the Bundeswehr for command supervision.

As there are no comparable central structures for Muslims, a national treaty of this kind is probably not possible. Instead, the Bundeswehr could secure the services of **Muslim chaplains** by means of “secondment agreements”. The requirements formulated by the German Islam Conference (mastering the German language, recognised university degree in Islamic theology, community experience in Germany) are appropriate. However, finding imams who meet these requirements is not likely to be easy. The Bundeswehr should not wait too long to appoint a first rabbi and a first imam - not just to quickly meet a real need, but also to set an example. It would also make sense, therefore, if the establishment of a ministerial working group on matters relating to the

introduction of Muslim chaplaincy suggested by the former defence minister to one of the Islamic associations, the Central Council of Muslims, were to be pursued further. A dialogue between representatives of the established chaplaincies of the two Christian churches and Muslim organisations would also be helpful.

**Other faiths** - Buddhist, Orthodox, New Apostolic - must also be kept in mind and, if the demand exists, considered anew. The Leadership Development and Civic Education Centre in Coblenz already has an office for sourcing pastoral care outside of the Bundeswehr. The Central Point of Contact for Servicemembers of Other Faiths is now established. The Bundeswehr can use the expertise available there as well as at the two military episcopal offices when introducing the planned Jewish and Muslim chaplaincies for service personnel.

It is also positive that under the national treaty, military rabbis will also be involved in ethics education within the scope of *Innere Führung*, as the Catholic and Evangelical Lutheran chaplains have long since been with great success. This should then also apply to military imams. In daily military life, the two Christian churches are most visible in the **character guidance classes** at the barracks. They always address their services to soldiers of other faiths as well as to non-religious soldiers. In the future, this principle must also apply to Jewish and Muslim chaplaincy. Their remit extends to the entire Bundeswehr. This will be a positive addition.

Character guidance classes were also the subject of wide-ranging debates and decisions in the year under review. The Ministry of Defence has now finished drafting a new central service regulation on “Ethics Education in the Bundeswehr” after starting this process in 2018. The result is a draft directive which, although committed to the character guidance classes which have stood the test of time at the Bundeswehr since 1956, appears too overloaded and too unsystematic in terms of its content. The original intention of also having disciplinary superiors teach **ethics education** in the future is now off the table. The question remains as to whether this directive will have any practical relevance at all in the medium term for character guidance classes, which incidentally have been able to manage without a central regulation for the last 60 years.

How well the right set out in Section 36 of the Military Personnel Act has now been implemented is proven by the fact that during the last year the Parliamentary Commissioner did not receive any submissions on **hindrance of religious practice**: This is not only a success on the part of the chaplaincies, but

also testifies to the religious openness of the entire Bundeswehr - if it were not for the reports of cases of anti-Semitism in the force. The President of the Central Council of Jews in Germany, Josef Schuster, has stated that such cases are scratches that do not completely call the Bundeswehr’s positive image into question.

## Diversity

As one of more than 600 organisations, the Bundeswehr again demonstrated its commitment to diversity by participating in the 7th German Diversity Day. The Bundeswehr Centre of Military History and Social Sciences opened its doors on 23 March 2019 and invited interested parties to a public event about servicewomen and men of the Muslim faith past and present. Units in Euskirchen, Mayen and Berlin also staged activities to emphasise the opportunities harboured by a diverse society and to contribute to combating prejudices and raising awareness of the interests and concerns of minorities in the context of various different events. In spite of these activities, it seems that it has not yet been possible to win over all members of the armed forces to the idea of diversity within their own ranks, though.

- *For instance, in one submission an officer complained about what he perceived as an omnipresence of transgender people in the Bundeswehr. The Ministry of Defence made it clear that full inclusion of all members of the Bundeswehr was commensurate with the free and democratic basic order and was a hallmark of Innere Führung in practice.*

At times, prejudices are handled in a pleasingly professional manner. A platoon leader told the Parliamentary Commissioner that soldiers from his subunit had poked fun at the media portrayal of a transsexual officer. He had addressed the case and discussed it extensively with his servicewomen and men. The attitude of those who had expressed criticism had become more tolerant as a result. Addressing the issue is important, pretending it does not exist does not help. In spite of many other positive examples - there are still too many situations where members of the Bundeswehr face acts or words of discrimination because of their sexual orientation or gender.

- *For example, the name of a soldier was changed and parodied by a fellow soldier in WhatsApp group chats to include sexual innuendo and to humiliate him in front of his comrades and on social media. In this case the matter was able to be investigated and resolved. The disciplinary superior imposed a four-digit disciplinary fine on the offender.*

In many cases, however, humiliations like this cannot be proven as either there are no witnesses, or they sympathise with the perpetrators and then do not speak out. This is an additional burden and insult to the victims. Those affected often feel helpless in these circumstances. The Point of Contact for Discrimination and Violence in the Bundeswehr provides assistance here. The fundamental principle that applies here is: in such situations, loyalty and comradeship is owed to the victims! This is a matter of honour. Looking the other way would be misguided comradeship. What is more, any and all forms of discrimination are not only unworthy of the Bundeswehr, in the Bundeswehr they also always constitute a violation of the principles of *Innere Führung* and of the duty of comradeship, which must then be investigated in every single case.

The Bundeswehr is fully committed to including all members of the Bundeswehr, irrespective of gender or age, religious or philosophical beliefs or indeed gender identity and sexual orientation. This is clearly expressed not least in the “White Paper 2016 on Security Policy and the Future of the Bundeswehr”. Another positive aspect is that the “Guide on the treatment of transgender people” has now been published on the Bundeswehr regulation portal.

### Recognition of military achievements

Defence Minister von der Leyen defined the **term veteran** in November 2018 in an order of the day. According to this definition, a Bundeswehr veteran is anyone who is actively serving as a soldier in the Bundeswehr or who has been honourably discharged from this service, so who has not lost his or her rank. Based on this definition, a group of advisors, including the Deputy Chief of Defence, the PTSD Commissioner, representatives of the General Spokespersons’ Committee and the media, is to draw up proposals for a guide on the recognition and appreciation of veterans. At the end of the year under review, the Ministry of Defence had received 35,400 applications for a veteran’s badge (7,200 from active and 28,200 from former servicewomen and men). Given the 10 million people eligible, this is not much.

In his annual reports since 2014, the Parliamentary Commissioner has urged servicewomen and men to be awarded a **service medal** for participating in missions before 30 June 1995 - for instance UNOSOM (United Nations Operation in Somalia). After a long struggle and the approval of the Office of the Federal President, the Ministry of Defence has finally made the cut-off date earlier, setting it at 1 November 1991. The new cut-off date allows medals to be re-

actively awarded to active and former Bundeswehr members on the missions Sharp Guard (maritime surveillance in the Adriatic), UNSCOM (United Nations Special Commission in Iraq), UNOMIG (United Nations Observer Mission in Georgia), MINURSO (United Nations Mission for the Referendum in Western Sahara), the Sarajevo Airlift and the OSCE mission to Georgia (OSCE 1), UNAMIC (United Nations Advance Mission in Cambodia) from October 1991 to March 1992 and UNTAC (United Nations Transitional Authority in Cambodia) from May 1992 to November 1993, UNOSOM in Somalia (August 1992 to March 1994) and UNAMIR (United Nations Assistance Mission) in Rwanda (July to December 1994). When awarding medals for missions that took place a long time ago, the Bundeswehr relies on the soldiers deployed at the time actively reporting their participation.

It would also be appropriate to simplify the procedure for awarding the Bundeswehr service medal to soldiers from other nations and to award the medals during actual deployment.

Another step would be to completely abolish the cut-off date for the award of the **combat medal**. The Ministry of Defence cites the intensity of combat operations on the ISAF mission at the time as the reason for the cut-off date of 28 April 2009 for the award of a combat service medal. The prerequisite for being awarded the “combat” service medal is having actively participated in combat operations at least once or suffering terrorist or military violence at personal risk. To date, the Ministry of Defence has refused to adopt an earlier date or to abolish the cut-off date for the award of the combat medal, as it may be that the specific threat situation can no longer be proven. The Ministry of Defence is, however, currently examining whether there are circumstances that already occurred prior to the currently valid cut-off date which satisfy the indicators of the “Directive on the Award of Bundeswehr Service Medals” (Award Directive) and whether an adjustment of the cut-off date for the award of the “combat” service medal needs to be considered. This is to be welcomed with a view to duly recognising the achievements of the servicewomen and men who participated in earlier missions.

### 10. Women in the Bundeswehr

The number of women in the Bundeswehr, including the 1,547 military service volunteers, rose to 22,594 this reporting year (2018: 21,931). The proportion of women rose to 12.3 per cent (2018: 12.1 per cent). In the Army, the proportion of women in the year under review was 6.9 per cent (2018: 6.6 per cent), in the

Air Force 8.5 per cent (2018: 8.2 per cent), in the Navy 9.9 per cent (2018: 9.8 per cent), in the Joint Support and Enabling Service 10.4 per cent (2018: 10 per cent), in the major organisational element of the Cyber and Information Domain Service 9.5 per cent (2018: 9.3 per cent) and in the Central Medical Service 40.7 per cent (2018: 40.6 per cent). Women accounted for 6.7 per cent of career soldiers (2018: 6.2 per cent) and 14.4 per cent of temporary-career volunteers (2018: 14.3 per cent). At 1,546, the number of women completing voluntary military service increased by just one servicewoman compared to the previous year.

The increase in the proportion of women shows that the Bundeswehr is by all means successful in attracting female personnel. Nevertheless, it should not be forgotten that even many years after the entry into force of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr, the target of 15 per cent set for all careers with the exception of the Medical Service is still far from being reached, with the figure currently coming in at 8.6 per cent (2018: 8.3 per cent, 2017: 8.0 per cent). The proportion of female medical orderlies serving in the Central Medical Service and all other major organisational elements was 44.8 per cent in 2019 (2018: 44.6 per cent, 2017: 44.2 per cent). Here the Bundeswehr is already very close to the statutory target of 50 per cent.

As criticised on multiple occasions in the past, **how the sexes were portrayed** in Bundeswehr media - in digital content and print media alike - too often still propagated traditional roles along the lines of “men act - women happen to be there”. This was not very appealing to women. The Bundeswehr seems to have taken the criticism on board. In the year under review, the activities of male and female soldiers were reported in an increasingly balanced manner in the magazines and periodicals published by the Bundeswehr. This is important not only to attract women to the Bundeswehr, but also to cement their status in the armed forces.

Even if the media is only one factor among many that consciously and unconsciously shape our images of women and men in our thoughts and behaviour, it has a considerable impact on the image of women, including in the culture of the armed forces. A summary of selected research findings on the subject of “gender images in the media” in 2013 found that the under-representation of women in a professional role in the media is particularly striking. Some parts of the armed forces are evidently still fixated on traditional gender roles as a result. There is no other explanation for the Bundeswehr offering women green

nail polish with the inscription “We are the Army” as a promotional gift. Many women are not interested in being associated with decorative cosmetics, they want to be perceived and taken seriously based on their performance. This holds equally true for many active servicewomen. So depictions of servicewomen away from stereotypes would most likely have a positive impact in many respects.

So far, recruitment and advertising campaigns have had no effect on the proportion of women who are **commando soldiers** in the special forces. This remains stubbornly at zero. There are still no women in training for this either. However, there are now women who have been able to set themselves apart with outstanding individual achievements in the preparatory course. So it is to be hoped that it is only a matter of time before female soldiers can truly be found across the entire Bundeswehr spectrum. On the missions of the commando teams in particular, scenarios are conceivable where female soldiers would be ideal. Servicewomen repeatedly face situations in daily military life which make it clear that not all equality issues have been correctly addressed everywhere. Women still have to endure behaviour by male comrades that is completely inappropriate and sometimes discriminatory.

- *For instance, a physician at a medical clinic told a female soldier that women doing male jobs - which he believed included the military profession - were not real women. Men found women like this unattractive. She, too, would learn this. He longed for the old days when there was nothing better than to be welcomed home by your wife after work with a good meal. He also thought it impossible that children were being sent to daycare centres so early instead of being looked after by their mothers non-stop for three years. He also completely rejected the idea of men being expected to interact with a small child, as a man could not relate to such a young child at all. The Bundeswehr reacted with gratifying clarity in this case and made it clear to the physician that his conduct was in no way compatible with the status of an officer and that his attitude ran contrary to reality in the armed forces and society.*

- *In another case, a soldier complained that he had been wrongly subjected to disciplinary investigations for sexist and derogatory remarks about female comrades. Contrary to the allegations against him, he had never made comments like “Hey bimbo, take your clothes off!” he claimed. The investigations revealed that the petitioner had indeed made various inappropriate comments towards female soldiers. His disciplinary superior punished his conduct by imposing a four-digit disciplinary fine.*

The examples show that the Bundeswehr is addressing misogynistic behaviour in its own ranks seriously. At the same time, however, they make it clear that there are soldiers who still regard the Bundeswehr as a male domain. This means that further efforts are needed to make women in the armed forces the everyday norm.

In this context, women play an important role as **female role models**. Even though the Bundeswehr emphasises that it endeavours to address women equally when trying to attract personnel, the efforts in this context do not yet seem to be sufficient. For example, there is still a lack of female platoon leaders, section leaders and instructors in general. Here the Bundeswehr needs to step up its efforts to develop qualified female personnel for roles like this.

It is not just women who are critical of gender **inequality** at the Bundeswehr.

- *Back in 2016, three male soldiers deployed as air force service personnel in the Bundeswehr Medical Service complained that they had to wear a side cap, unlike their female fellow soldiers, who wear a navy-blue beret. The Bundeswehr argued that all official headwear was of equal value. There was no “better” or “worse” headwear. Servicewomen and men were not free to choose their uniform, the central service regulation set forth binding rules here. This assessment is reasonable. What defies understanding, however, is why the Bundeswehr needed more than two and a half years to process the matter. The Bundeswehr now intends to re-examine the issue during the routine review of the relevant central regulation.*

Questions relating to the possible unequal treatment of servicewomen and men also arise in connection with occupational health and safety regulations.

- *During a field visit, the question arose as to whether there was an exemption for women from lifting and carrying loads. The background to the question was the assumption that occupational health and safety regulations for women would set forth different rules for lifting and carrying heavy loads than for men. In this context, the Ministry clarified that occupational health and safety law only contained gender-specific regulations for pregnant women and nursing mothers. The Bundeswehr’s central regulation on the handling of loads did not differentiate according to gender either. It did, however, require the head of the unit to assess the servicewoman or man’s physical fitness, by a doctor if necessary, before assigning certain tasks, and to take appropriate measures to eliminate risks to the lumbar spine, for example by deploying support equipment. With basic infantry skills or special forces*

*training, however, such measures were not always possible, which was why occupational health and safety permitted certain exemptions for the Bundeswehr. The occupational health and safety of the servicewomen and men then had to be ensured in other ways, however.*

## 11. Deployments and Alliance issues

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

Soon after its establishment in 1955, the Bundeswehr was already participating in humanitarian aid operations abroad. In the course of the 90s, a standing and in some cases long-term commitment to missions abroad was established, initially in Somalia, then Bosnia-Herzegovina, later in Kosovo and in Macedonia. The largest of these missions was the ISAF mission in Afghanistan (2002-2014). Currently, Bundeswehr soldiers are deployed on missions in Europe, Asia and Africa as well as in the Mediterranean and the Horn of Africa. In 2019, the additional costs for mandated missions abroad totalled €964.9 million (2018: €975.4 million). The number of missions abroad mandated by the German Bundestag has decreased by one compared to the previous year to now reach a total of ten: The German mandate for the EU operation SOPHIA expired on 30 June 2019. At the end of the year under review, 3,223 Bundeswehr soldiers were deployed on mandated missions abroad. The highest level was 10,434 soldiers in 2002.

In addition to the mandated missions abroad, collective defence in Europe has gained in importance again. In the scope of NATO’s Enhanced Forward Presence, Germany has been responsible for the multinational Battle Group for Lithuania as the Framework Nation since 24 January 2017. With 552 soldiers on the ground, the engagement there is the Bundeswehr’s third largest mission abroad after Afghanistan and Mali. The **NATO Response Force** required another priority contribution to the Alliance in 2019. In the year under review, Germany provided the NATO Very High Readiness Joint Task Force (VJTF) in its capacity as the Framework Nation. This has to be ready to march within the space of five days in response to every conceivable scenario. The priority under NATO plans is land forces on the eastern flank of the Alliance’s territory.

Nonetheless, the German Navy is still called upon disproportionately in mandated missions abroad compared to its size as a service branch. There are

also complaints from the Medical Service of an unevenly distributed burden:

- *A doctor who had been on many missions told the Parliamentary Commissioner of his impression that there was an imbalance in the number of theatre days in relation to the period of service: “It is just a very few soldiers shouldering this burden. Often voluntarily and motivated, but often out of a sense of duty and longing for the period of service to end. On the other hand, there are fellow soldiers who have almost no theatre days, and certainly not on demanding missions. The burden of the harsh jobs is shouldered by just a few, while others conveniently keep out of it”. This perception is not an isolated one.*

### Missions without a mandate

The Bundeswehr is now enabling and enhancing special forces of other states outside of mandated missions as part of EU or NATO missions. This training work is carried out by Bundeswehr special forces (Army and Navy) on a purely national basis at the invitation of the countries in question. In the year under review, these were Cameroon, Tunisia, Jordan and Niger. The latter mission with about 20 servicewomen and men is called **GAZELLE**. The threat situation in Niger is comparable to that in neighbouring Mali, with recurring jihadist attacks. This means the German forces deployed already need to be armed for self-protection alone. According to media reports, 71 Nigerien soldiers died on 10 December 2019 in a jihadist attack on the Inates military base. The attackers reportedly deployed heavy artillery and explosive-laden vehicles with suicide bombers. There were repeated attacks of this kind in the year under review. Several US soldiers have also been killed in Niger in the past.

As a general principle, the deployment of German forces bearing arms outside the scope of application of the Basic Law is subject to the consent of the Bundestag pursuant to Section 1 (2) Parliamentary Participation Act. Under Section 2 (1) of this Act, deployment is defined as “where Bundeswehr servicewomen and men are involved in armed activities or if involvement in an armed activity is to be expected”. Section 2 (2) of the Parliamentary Participation Act provides for exceptions: preparatory measures and planning are not regarded as deployment within the meaning of the Parliamentary Participation Act, and therefore do not require the consent of the Bundestag. The same applies to humanitarian and other aid where “weapons are carried only for the purpose of self-defence, if it is not to be expected

that the servicewomen and men will be involved in armed activities”.

So pursuant to the wording of the law, the question of whether the GAZELLE mission requires a mandate therefore crucially depends on whether servicewomen and men on training missions in Niger can be expected to be involved in armed activities. The text of the law does not limit the requirement of consent to cases in which the involvement of the deployed servicewomen and men in armed activities is planned from the outset. Instead, if the expectation of involvement in armed activities results from the objective threat situation, this is sufficient for the parliamentary consent requirement to be triggered. So much for the text of the law. In its case law, the Federal Constitutional Court has specified the requirements for parliamentary participation on the matter of Bundeswehr missions abroad, stating that the definition of a deployment of armed forces was not met merely by an operation abroad involving German soldiers having a war or warlike character. In principle, even deployments “which are clearly of low intensity and scope or of minor political importance” could be subject to the requirement of **parliamentary consent**. On the other hand, the court emphasises that the expectation that the deployed servicewomen and men would be involved in an armed activity cannot be equated with the mere possibility of such involvement. A specific expectation, it states, must first of all be based on sufficiently tangible factual circumstance indicating that “a deployment, taking into account its purpose, the particular political and military situation as well as the powers of the deployed forces, may lead to the use of armed force”. Furthermore: “For this to apply, there must be a specific military danger situation arising from the circumstances of the case and the overall political situation, which is sufficiently objectively close to the use of armed force and thus to the involvement of German armed forces in an armed conflict”.

Looking at the security situation and media coverage in and from Niger, there is - as we have seen - sufficient evidence that this training mission may lead to the use of armed force. France fears further destabilisation and is therefore asking other European countries to send more combat troops to the region. Based on information from the Federal Foreign Office, there is a continuously high risk of **terrorist attacks** in Niger. In the departments of the Tillabéri and Tahoua regions bordering on Mali as well as in the entire Mali/Burkina Faso/Niger triangle, there are repeatedly jihadist attacks and attacks with improvised explosive devices on the security forces and occasionally also on civilian state institu-

tions. In the Tillabéri region in the area bordering Mali and Burkina Faso, the Nigerien security forces have made it mandatory to travel only with an armed escort, equipped with land weapons. This also applies to development and aid organisations.

Bearing this in mind, it does not make sense that the Federal Government did not secure a mandate from the German Bundestag for the GAZELLE mission. The **special forces** involved in the German training mission are as much a part of the Bundeswehr as all other service personnel, even though their work is often subject to secrecy. The size of the mission is not a criterion either. Small missions, like that of five German instructors in Somalia (EUTM Somalia), were always on the basis of a mandate. It is not clear why the Federal Government is interpreting the objective risk situation, which is the deciding factor in the question of whether a mandate is required, as not warranting a mandate in the case of the GAZELLE training mission. The sections of the German national support forces for the UN MINUSMA mission in Mali stationed in the Nigerien capital Niamey, on the other hand, are mandated by the German Bundestag. What rights and duties do the German soldiers in Tahoua have if their camp (“Wüstenblume [Desert Flower]”) comes under attack? In the interests of legal certainty for the members of this mission, the Parliamentary Commissioner advocates a mandate. A visit to the camp was planned in the year under review but had to be cancelled at the last moment.

### MINUSMA and EUTM, Mali and Niger

In May of the year under review, the German Bundestag decided to extend the EUTM and MINUSMA mandates until 31 May 2020. The mandate ceiling has remained the same at 1,100 soldiers for MINUSMA and 350 soldiers for EUTM. The new UN mandate entails more dangers. The situation in Mali remains characterised by the spread of ethnic and social conflicts, terrorist attacks and organised crime. From Central Mali, the jihadist militias are trying to extend their sphere of influence further south, as the complex attack on the EU training camp in Koulikoro on 24 February 2019 demonstrated.

During his field visit, the servicewomen and men gave the Parliamentary Commissioner a detailed report of the **security situation**, the conditions on the ground and their work:

- *The security situation was fragile and housing the EUTM headquarters in hotel accommodation in Bamako was not a good long-term solution. What was more, the camp in Koulikoro was too small and*

*not ideal for their training purposes. It would be better to set up some sort of combat training centre, in Kati for instance, as a small combat training centre with a permanent staff and training programme and to provide its own materiel for the core capabilities of the infantry companies so that they could train one Malian battalion per year. This could also be used to house the EUTM headquarters.*

These deliberations make sense but would require a high level of personnel. How the effectiveness of the European contribution to training can be improved is a question that arises at any rate.

- *German forces report that training the Malian soldiers is complicated by various different factors. On some courses, the soldiers' average age was 47 and the Malian side had not tested their aptitude ahead of time, they stated. They also came from all over the country and there was no uniform command structure. So the success of training was modest. After training at the Koulikoro Training Centre, the Malian army would send soldiers straight into the conflict regions in Central Mali. But by European standards they were not sufficiently trained for combat yet.*

The German servicewomen and men also criticised their own inadequate resourcing prior to deployment:

- *91 soldiers had not received their tri-colour camouflage print waterproofs until arriving in the country of deployment, and the same for 71 soldiers and their combat equipment or undergarments. At home, they had often been given items of clothing in the wrong size - shoes three sizes smaller – and told: “Just take them with you on deployment and then swap!” Combat gloves, combat trousers – there was a shortage of everything. One soldier commented drily that after three years of repeated deployments, he now finally had about 90 per cent of the designated equipment. Soldiers deployed at short notice found it particularly hard to get their hands on the necessary clothing. Even issuing clothing six weeks before the mission was too late, because training courses or leave meant that the transportation crates had to be sent off earlier. Overall, their experience had been that the clothing stores in southern Germany were better organised than those in northern Germany. Above all, the servicewomen and men wanted greater flexibility and an authorised equipment allowance tailored to the task and the post.*

This is a good suggestion. Given the current need to juggle shortages, it would make sense to prioritise **equipment** in such a way that the items available get to the servicewomen and men who really need them to fulfil their tasks.

One problem the Parliamentary Commissioner was already made aware of during his field visit in 2018 remains unsolved:

- *Servicewomen and men complained that during pre-deployment preparation they were often unable to practice with the vehicles or types of vehicles (here: EAGLE) they had to drive on deployment.*

The Ministry of Defence has acknowledged this situation, citing **follow-up training sessions** in the country of deployment, which numbered 378 in 2019 (2018: 560) in all of the Bundeswehr theatres of operations. For MINUSMA, there had been 63 (2018: 35) follow-up training sessions on the EA-GLE-type vehicle. The lack of vehicles at home meant follow-up training abroad could not be ruled out in the future either. There have been accidents, though. From the Bundeswehr's point of view, however, these were not due to a lack of experience with the respective mission vehicle. How this causality can be asserted with certainty is hard to believe.

It is positive that the **transit** of servicewomen and men to the airport in Bamako is now taking place exclusively via Camp Senou. The forces from Camp Midgard have relocated there since July 2019. Transportation in unprotected buses in Bamako has also come to an end. In light of the security situation deteriorating, the Bundeswehr now only uses specially protected commercial vehicles. This is good for the security of the German servicewomen and men, although one can be forgiven for wondering why it took so long to realise this. This does, however, once again raise the problem of follow-up training for drivers.

Like during the field visit in 2018, servicewomen and men again complained about the insufficient **language training** in French in the year under review, although appropriate language skills were useful in the field, they said. Given its long-term engagement in the French-speaking Sahel region, the Bundeswehr should therefore include the acquisition of additional language skills in its pre-deployment training.

A problem the Parliamentary Commissioner already learned of during his field visit in 2017 still persists:

- *The applied military psychology section in Gao/Mali does not have the two rooms (office and consultation room) it needs for its work. The planned new HQ building, which will then include these rooms, is not expected to be completed until the end of 2020.*

Especially in a country like Mali where there is a higher risk potential, the Bundeswehr should ensure that the **applied military psychology section** can offer the servicewomen and men seeking help and advice the right counselling environment. The example below illustrates how important well-functioning applied military psychology on the ground is:

- *One soldier criticised the six-hour shift system (6 hours work/6 hours sleep) applied to the camp security forces in Gao. In addition to fatigue and sleep problems, a six-hour **alternating shift model** can lead to reduced cognitive performance and response capability and, in the long term, to health problems. The risk of mistakes and accidents increases. Add to this the psychosocial consequences of limited participation in the daily life of the troop contingent. In this specific case the soldiers had agreed to the shift model, but given the risks described above, the superiors should have involved the unit physician or military psychologist.*

- *The German MINUSMA service personnel stationed at the air transport base in Niamey (Niger) bemoaned the long delivery periods of six to eight weeks for medicines. The direct exchange planned between the supply and maintenance centre for medical goods in Quakenbrück and the Niamey medical detachment was not happening. Pfungstadt, Bamako and Gao were additional intermediate stops. Knowing this, it was best to order as far in advance as possible, though this negatively impacted the remaining shelf life of the medicines.*

The reconnaissance results of Heron 1 obtained during the MINUSMA mission are analysed at the site in Jagel.

- *During a field visit there, the servicewomen and men responsible for analysing aerial photographs complained that there was no deployment and training concept yet. For instance, on rules governing how long you could work at a screen.*

The Ministry of Defence judges the training concept for **aerial photograph analysts** to be up-to-date and has announced that it will be preparing basic documents for a deployment concept.

## RESOLUTE SUPPORT, Afghanistan

In March 2019, the German Bundestag extended the mandate for RESOLUTE SUPPORT by one year with an unchanged ceiling of 1,300 servicewomen and men. Currently, 1,200 German soldiers are deployed in the Hindu Kush, most of them in Mazar-i-Sharif. Close to 200 soldiers are serving in the capital Kabul, 80 are deployed in Kunduz to advise the

Afghani armed forces. In addition to this, since March 2019 Bundeswehr forces (up to 65) have been stationed in Meymaneh along with multinational partners.

Kunduz has been a standing deployment location for German soldiers again since 2015. They are housed in a “safe haven” at the Afghani **Camp Pamir**. During this year’s field visit, servicewomen and men criticised the fact that there was no early warning system and no response system at Camp Pamir. For a year now, the erection of a 30-metre-high tubular lattice mast with cameras had been discussed as an option for an early warning system. The Joint Forces Operations Command was aware of the demand, they said, but so far had not initiated any measures to this effect. The Ministry of Defence states in relation to this that its own engineer forces would not be able to perform this work due to the complexity of the construction measure. It was currently examining the possibility of awarding the contract to a civilian contractor by discretionary or selective tender in order to accelerate the implementation of the construction measure, it said. As an interim solution, there is now an antenna trailer with mast for circular observation. This is not sufficient, though, seeing as there are no defence systems available either apart from an Afghani gun mount. The housing of servicewomen and men is also inadequate, in unprotected, rented accommodation. The dining room and sanitary container are not hardened. On 31 August 2019, Taliban fired eight bullets at the camp, four of which hit. In the future, too, it must be expected that the camp will come under fire. The Ministry therefore needs not just to commission the construction work as quickly as possible, but also to ensure that overall a protected camp is established. The safety of the servicewomen and men is at stake! This also holds true for the camp in Meymaneh. The contingent has already reported the need for this, but so far nothing has happened.

There was criticism in Kunduz of the **catering** situation. A field kitchen has existed since August 2019, but the Ministry of Defence rejects setting up a container kitchen, which is the common practice when setting up camps. The Ministry’s line of argumentation that fixed infrastructure is not necessary due to the deployment’s short duration is not convincing. The new Bundeswehr presence in Kunduz has already lasted five years and no end is foreseeable.

Servicewomen and men there complained about the lack of **jamming transmitters** (jammers) and their incompatibility. When transporting people by land, the jammers were urgently needed to provide protection against RCIEDs (Radio Controlled Improvised

Explosive Device), the soldiers said, which was why they were installing radio jammers they had purchased themselves on the outside doors of the DINGOs. The Ministry of Defence, by contrast, states that the vehicles are equipped with different jamming transmitters which are compatible and sufficiently available. In the scope of an immediate deployment initiative, though, it was planning to procure additional jammers to further raise the number of operational vehicles with self-sustaining platform protection, it said. It does not expect the first devices to be delivered before February 2020 in light of the manufacturing periods in the private sector.

The **supply of spare parts** was already an issue in 2018: it took more than a year for a breechblock for a heavy machine gun, requested in mid-2017, to arrive. The Ministry of Defence states that the non-availability of individual spare parts at suppliers means that the central supply channel has long lead times. The next higher modules were available, though, it stated. Stockpiles and the supply of spare parts are evidently inadequate for deployments at present. Action is still required here. Above all, the Bundeswehr needs to massively increase local stocks of spare parts.

Several soldiers voiced the criticism that they were not entitled to the allowance for bomb disposal and explosive experts during deployment. This **hardship allowance** is only paid for the direct inspection, disarming and disposal of explosive and incendiary devices, but not for routine inspection of civilian vehicles to first determine the existence of a specific threat from explosive ordnance. To avoid misunderstandings, superiors need to at least inform service personnel of this at the start of the deployment.

- *One soldier deployed in Kabul argued in a submission that it took too long for the voting documents required to vote in federal state parliamentary elections to arrive by the military postal service, making it uncertain whether the postal voting documents would reach the relevant election office in time. The Ministry of Defence initiated a review of the matter.*

## COUNTER DAESH and Training Support Iraq

The German Bundestag extended the mandate for the deployment of German armed forces to sustainably combat IS terrorism and comprehensively stabilise Iraq until 31 October 2020. The German contributions to aerial imagery reconnaissance and in-flight refuelling from Jordan are due to expire at the end of March 2020. In addition to this, the mandate was reduced from 800 to a maximum of 700 soldiers to be deployed.

In the year under review, Germany was present in Iraq with approximately 120 soldiers to build the capabilities of the regular Iraqi armed and security forces, focussing on “training the trainers”: in Baghdad, Taji and Erbil. In May of the year under review, the Bundeswehr temporarily suspended training in response to the security and threat situation.

- *During his field visit to the German contingent command in Al Azraq/Jordan, soldiers informed the Parliamentary Commissioner that for months there had not been enough armoured vehicles available in Taji. The option of renting vehicles had failed so far as a result of the German side and the US provider’s failure to agree on the contractual arrangements. The upshot being that in spite of having their own on-site security platoon and travelling in full gear in response to the assessment of the security situation, at the same time they were sitting in unprotected Toyotas.*

The Ministry of Defence considers **passenger transportation** inside the Taji Military Complex using unprotected vehicles to be sufficient. In order to be able to provide appropriate vehicles for trips outside the complex, too, in May 2019 the Chief of Defence approved the rental of armoured commercial vehicles. In June, the contingent received 17 vehicles rented for a period of six months. It is good that protected vehicles are now available. However, having to obtain a decision from the Chief of Defence to rent them seems a very complicated process. It would be better if those responsible locally could make such decisions themselves in line with their assessment of the security and threat situation.

- *Servicewomen and men also complained that delays were occurring when it came to being transferred to the country of deployment, Iraq, as the Iraqi embassy was slow in issuing visas.*

The Parliamentary Commissioner already criticised this situation in the last annual report. The Ministry of Defence stated that, following the renewed delays, bilateral consultations had taken place, resulting in a temporary increase in **visa** quotas, which meant the procedure could be expected to be accelerated. Given the fact that the training mission, which has been extended to cover the whole of Iraq, is in the interest of Iraq, in the future the Ministry should negotiate a visa waiver in the stationing agreement for deployments at the invitation of a foreign state.

- *Servicewomen and men also complained that they were not able to practice on the **shooting ranges** in Taji, as these did not meet the required German safety standards. In mid-June 2019, the Bundeswehr*

*set up its own permanent firing range within the existing infrastructure for the German soldiers deployed in Taji. This did not require extensive construction work. One wonders therefore why construction and approval took from August 2018 to June 2019.*

- *Servicewomen and men also criticised the size of the offices, which were too small to accommodate their information technology. The Bundeswehr Joint Forces Operations Command had failed to approve the renovation of a suitable existing building with large enough rooms for a long time. Another criticism was that the existing data transmission circuit did not allow high data rates. To improve the situation, an accordingly equipped multi-purpose container has been available since autumn 2019. The command has stated that the performance of the IT connection is significantly better now that the “Bundeswehr micro network” has been installed, as is the connection to the office buildings, which are now to be renovated after all.*

- *The servicewomen and men stationed in Al-Azraq/Jordan also highlighted the long times taken to supply spare parts. Replenishments could take up to six weeks, or eight weeks in the case of requests involving more than one contingent. Decentralised procurement during the deployment was not possible.*

The Bundeswehr needs to do everything in its power to speed up the **delivery of spare parts** to deployments. Stocks of spare parts at the deployments also need to be improved. It should also be possible for the troops to carry out minor repairs on site themselves, for instance on air conditioners. Flying in employees from a civilian company for this purpose is lengthy and expensive.

- *Spare parts are now lacking at the parent unit, though, because of the TORNADO mission in Jordan. This meant that it was now very difficult to plan and provide training the Parliamentary Commissioner learned during a field visit to Jagel. Furthermore, following the relocation of the tactical TORNADO training from Holloman/US, the second simulator had not yet been able to be put into operation as no hall was available.*

The Ministry of Defence acknowledges the difficulties, stating that the priority for the supply of spare parts is currently the COUNTER DAESH mission. The measures introduced by the Armaments and Utilisation Agenda would only lead to an improvement in the situation in the medium term, it said, and albeit only to a limited extent, because the age-related susceptibility of the weapon system to mal-

function could only be offset to a limited extent. The hall for the second flight simulator was expected to be ready by the end of 2021.

- *A huge problem the course participants from 51 Tactical Air Wing are facing is that there are not enough flight instructors and flying hours available. For their own safety, trainees who have been unable to fly for 14 days due to a lack of aircraft and/or flight instructors had to complete “refresher flights” before flying lessons with tactical training were possible, the Parliamentary Commissioner was told. None of the basic TORNADO courses (79, 80 and 81) had been completed at the time of the field visit. Assignments to the training course had to be extended time and again, which was not only demotivating but also not family friendly. Crews had now been sent to Al-Azraq that did not even have “limited combat ready” status.*

The Ministry of Defence stated that Air Force Headquarters was considering providing support in Jagel in the form of **flight instructors** from 33 Tactical Air Wing from Büchel. It was also planning to carry out parts of basic training in Büchel and recruit former Air Force flight instructors in the scope of reserve services to support training. The situation could not be expected to really be eased until once the COUNTER DAESH mission was over, though. All the aircraft crews deployed on this mission had at least the capability level required for the mission. What was more, deployment qualifications were not based on flying hours, but on the completed training and performance profile of the individual.

### **SEA GUARDIAN and SOPHIA in the Mediterranean**

Operation SEA GUARDIAN is designed to monitor and combat terrorist activities in the Mediterranean. Since 2016, the German Navy has only ever been involved occasionally, usually with ships in transit to other deployments. NATO's Maritime Command (HQ MARCOM) in Northwood, United Kingdom is in charge of the mission. Based on the common assessment of the situation, there is the possibility to search ships. In March 2019, the German Bundestag extended the mandate by one year.

The mandate of the European Surveillance Operation SOPHIA, on the other hand, expired on 30 June 2019. In January 2019, the Federal Government had already temporarily halted participation of its warships in the mission. The background to this is the lack of agreement among the EU states on an arrangement for distributing those **rescued at sea** among the Member States. Since the mission began

in 2015, the forces deployed have rescued around 50,000 people off the coast of Libya - the German Navy over 22,500.

### **UNIFIL in the Mediterranean**

The naval unit of the UN Lebanon Mission (UNIFIL) secures the sea borders by reconnaissance and traffic surveillance within the maritime theatre of operation. Germany is also supporting the Lebanese armed forces in building capabilities so that they will be able to monitor their coast and the country's territorial waters independently in the future.

- *The German support staff at the UNIFIL Headquarters in Naqura complained that, unlike other nations, they were not allowed to use the communal catering provided by a caterer commissioned by the United Nations. The efforts by the Ministry of Defence to include German soldiers in the Memorandum of Understanding between the United Nations and Lebanon so that they could participate in the troop catering had failed. This meant they had to rely on self-catering and were reimbursed for the additional costs. This is not optimal. The Ministry should continue to endeavour to find a holistic solution.*

### **EUNAVFOR ATALANTA in the Indian Ocean**

Since 1 March 2019, the German ATALANTA forces stationed in Djibouti have finally been living in a hotel that is better aligned with their security requirements. There is, however, still the intention to house them at a military property. The French barracks in Djibouti city are a possibility. The Ministry of Defence has stated that relocation will not be able to take place before mid-2021 because of the agreements between France and Djibouti that this requires and because the new EU mandate for Operation ATALANTA is not expected until the end of 2020.

- *Some soldiers stationed here criticised the proportion of reservists in the contingent (“over twenty per cent”), which was perceived as disproportionately high. They were not always well prepared and were unable to perform the increasingly complex tasks, such as the use of SASPF in logistics. The principle of reservists filling in for the soldiers going on a mission abroad in the home country was increasingly taking a back seat, they felt.*

Reservists also complain that they are often not allowed to attend courses and further training. If the Bundeswehr is already sending reservists on de-

ployments, it should also intensively train and induct them accordingly.

### KFOR, Kosovo

The Bundeswehr has been deployed in Kosovo for 20 years now. In June of the year under review, the German Bundestag extended the mandate for another twelve months. The KFOR mission has developed from a peace-building mission with over 50,000 international servicewomen and men into a peace-keeping mission currently numbering 3,500 servicewomen and men. The mandate ceiling for the German armed forces was lowered from 800 to 400 service personnel in 2019. At the end of the year there were 67 German soldiers actually deployed. Following the Bundeswehr's withdrawal from Camp Prizren in December 2018 (handing it over to civilian use), the remaining forces have been stationed at the site in Pristina.

In Pristina there is a well-developed MWR service operated by multinational partners and civilian service providers. In addition to this, there is the non-food MWR facility **German Ark**. For the servicewomen and men, it would be good if food MWR were offered to supplement the multinational service. The Bundeswehr Joint Forces Operations Command is therefore reviewing whether to award the contract to a local provider or to the OASIS MWR facility.

### UNMISS, South Sudan

The mandate to deploy up to 50 German soldiers in South Sudan was last extended by the German Bundestag until 31 March 2020. In December, 16 servicewomen and men were deployed there, predominantly as UN military observers. UNMISS's core tasks are protecting the civilian population, monitoring the human rights situation and ensuring access for humanitarian aid. UNMISS also provides support in implementing a negotiated ceasefire agreement.

- *Servicewomen and men from the German UNMISS contingent reported that the standard period in post for German military observers of six to ten months was below the United Nations twelve-month standard. This did not allow enough time to properly familiarise themselves with the work and to develop a network of local liaisons and contacts. A personnel pool for UN observers could be a solution, then the parent units would not be placed under additional strain either.*

The Ministry of Defence also considers longer deployment times for German **military observers** more effective, about half of deployment personnel

would also be willing to be deployed longer. But often the troop contributors did often not support this, it said. The Bundeswehr Joint Forces Operations Command had therefore established six additional posts in order to be able to fill long-term vacancies in Germany. A good initiative.

### UNAMID, Sudan

On 13 February 2019, the German Bundestag extended the Bundeswehr's involvement in the peace-keeping mission in Darfur (with a maximum of 50 servicewomen and men) under the joint command of the United Nations and the African Union until 31 March 2020. Currently, three soldiers are deployed at the mission headquarters in Zalingei and in El Fasher.

- *One soldier criticised the instruction issued by the Bundeswehr Logistics Command that military post was not to be sent to the recipient's address in El Fasher but instead to the United Nations in Khartoum. This meant it could neither be tracked, nor could liability claims be asserted in the event of packages being opened. The Logistics Command took the criticism on board, changing the military post instruction so that military post is now sent directly to El Fasher.*

A functioning and reliable **military postal service** plays a key role in motivating contingent members. Bearing this in mind, post should be delivered via the official military postal service in Darmstadt right from the outset even for small land-based engagements abroad as well as for exercises, given the high postage costs for post abroad.

### NATO in the Aegean

Since February 2016, NATO and parts of the Standing NATO Maritime Group 2 have been contributing to situation reports for the Greek and Turkish coastguards and the European border management agency FRONTEX in the Aegean. The aim of the mission is to enable national authorities to better combat people smugglers and their networks.

The NATO mission in the Aegean counts as a recognised mission for the Bundeswehr soldiers. Recognised missions are now on a par with mandated missions, giving servicewomen and men the same social entitlements. Nevertheless, there are still uncertainties and soldiers report being treated unequally. For instance, under current regulations those participating in the Aegean mission are not entitled to a **preventive health cure**. Such health cures are designed to enable servicewomen and men to reintegrate as

quickly as possible once back home after a deployment. The Ministry has since ordered a revision of the regulations. Servicewomen and men also complained that they were not able to choose the location for the health cure themselves. Many want a location close to home, so that they are not separated from their families any longer. It should therefore be possible to choose a cure location close to home.

- *Soldiers are disappointed that they receive neither a service medal from the Bundeswehr for their assignment to the NATO support mission in the Aegean nor additional leave.*

It should be possible to award a **service medal** in recognition of services rendered for this mission, too. Granting additional leave in connection with mandated deployments, like for missions depends *inter alia* on the theatre of operations - which has to entail difficult working conditions. This is the stumbling block in this case. Superiors can grant additional leave to maintain operational capability, however. Superiors should make use of this.

### NATO in the Baltic

The German-led NATO Battle Group Lithuania in Rukla still numbers 1,200 troops. Belgium, the Netherlands, Norway, the Czech Republic and Germany provided the troops in the year under review. The unit is part of the enhanced FORWARD PRESENCE adopted by the Alliance.

Since 2014, Germany has also been involved in air-space surveillance over the Baltic region with up to six EUROFIGHTER combat aircraft for four months each year. This was also the case from September 2018 to April 2019 with approximately 170 servicewomen and men working in tandem with the Belgian armed forces. It has already been decided that the Air Force will also contribute to securing the airspace over the Baltic region in 2020 and 2021.

In the last annual report, the Parliamentary Commissioner highlighted that there was a need for rules and provisions to be established for the enhanced FORWARD PRESENCE of the NATO Alliance in the Baltic region for when soldiers temporarily serve in one of the other countries because of the different levels of **foreign assignment allowances** awarded in the individual countries. With retroactive effect from 1 May 2018, the German forces will now receive the level 3 foreign assignment allowance for periods in Estonia, Latvia and Poland. In anticipation of the decision on the amount, which has since been finalised, they have already received a tax-free advance of €46 per day. The Bundeswehr will pay the difference retroactively.

The supply of spare parts for the **maintenance and repair** of vehicles and weapon systems of Battle Group Lithuania is still taking too long. This means that the equipment stationed there is often out of commission for months at a time. The Ministry of Defence concedes that the reason for this is the sometimes very low stockpiles of spare parts held by the Bundeswehr and the long times required by the private sector to produce such parts. As already stated several times before: This needs to improve quickly!

Eighty per cent of the members of the NATO Air-Policing contingent are housed at a hotel in Tallinn/Estonia, the rest at the Ämari base in a base hotel. In view of the low occupancy rate of the hotel at the base itself, the **Bundesrechnungshof** criticised the fact that most of the servicewomen and men were living in accommodation in Tallinn.

- *The soldiers told the Parliamentary Commissioner that they were very happy with the accommodation in Tallinn, inter alia because there were no leisure facilities at the air base. What was more, the presence of members of the Bundeswehr in the city sent a positive political signal to the local population and this was also perceived as such. The Ministry of Defence concurs with this assessment by the servicewomen and men and points out that the accommodation solution practiced helps increase the motivation of the deployed personnel. In light of this, the Ministry should keep the current accommodation solution in place.*

- *The servicewomen and men in Estonia also complained that they were going to have to relocate to other sites for a longer period of time in the future due to the repair work on the take-off and landing runways at their home base in Wittmund. This not only meant they would be separated from their family but would also entail financial disadvantages. They were not going to be paid any overtime or mileage allowance. According to the Ministry of Defence, the renovation of the take-off and landing runways at Wittmund will begin in February 2022 and take until 2024. There would be no reassignment of the personnel during the period of the transfer, as the transfer did not involve a change in disciplinary authority. The Ministry stated that the soldiers could charge travel costs pursuant to the Federal Travel Expenses Act. In line with the principle of the duty of care, they were to be compensated for overtime primarily in the form of time off in lieu during the construction phase. Sufficient transport capacity was expected to be available for journeys between the home location and the alternative location, which meant that there would be no need to pay a mileage allowance or a separation allowance in the form of a*

*mileage allowance. Regular replacement of personnel would be practiced in order to keep the strain caused by the absence of the servicewomen and men in question to a minimum. The payment of an allowance requested by the soldiers for the duration of the transfer to one of the other locations was not provided for under current military pay legislation.*

A solution should nonetheless be found here that compensates for the negative effects of the temporary relocation.

- *Finally, servicewomen and men addressed the blanket approach the Bundeswehr was adopting in its policy of demanding the extraction of wisdom teeth for soldiers in order to be considered suitable for assignment abroad. 18 servicewomen and men from the Estonia contingent alone had recently been confronted with this.*

The Parliamentary Commissioner has learnt of these practices from other sources, too. There may be cases where it makes medical sense to pull the teeth - but the practice should be limited to such cases. The blanket policy practiced goes beyond the notion of the duty of care.

- *The servicewomen and men in Ämari/Estonia were sceptical about the implementation of the annual flying hours schedule. The Air Force Forces Command's requirement was 3,100 **flying hours**. It was unclear how this could be achieved with the available personnel and materiel capacities. In 2018, about 2,000 of the planned 2,500 flying hours had been able to take place. A projection for 2019 assumed about 2,600 flying hours being performed. The Ministry of Defence confirms these figures for "Richthofen" 71 Tactical Air Wing and states that the 3,100 flying hours refer to the maximum technical capacity of the unit. Since pilots urgently need every available flying hour for initial and follow-on training, the Air Force Headquarters had designed the annual flying hours schedule based on these maximum technical capacities.*

### **Very High Readiness Joint Task Force**

In the year under review, Germany provided the "spearhead" of the NATO Response Force (NRF), the Very High Readiness Joint Task Force (VJTF), in its capacity as the Framework Nation. This has to be ready to march in the space of five days in response to every conceivable scenario. In the last annual report, the Parliamentary Commissioner reported that only 60 per cent of the materiel required for the VJTF 2019 came from the service personnel's own brigade and that over 90,000 items were miss-

ing. Now the Army Headquarters has created a list for how a "standard brigade" should be equipped for the VJTF. 9 Armour Demonstration Brigade would be using this list to further add to and complete their own equipment, it was said.

In 2018, the Bundeswehr contributed 8,000 servicewomen and men to the NATO **Trident Juncture 18** exercise in preparation of the VJTF stand-by phase. The Parliamentary Commissioner left his field visit with a number of review requests, whose results were not available until the year under review.

- *Servicewomen and men had complained that the difficult terrain conditions in Norway were leading to above-average strain on the major equipment and excessive breakdown rates and that the supply of spare parts was taking too long. From the point of view of the Ministry of Defence, only the **MARDER** armoured infantry combat vehicle, whose operational readiness in Norway was only 67 per cent, had experienced high breakdown rates due to the terrain conditions. Spare parts had indeed been lacking locally and the lead times for **spare parts supplies** from Germany were clearly too long due to planning errors, individual errors when submitting requirements and the known materiel shortages in basic operations.*

To improve the supply of spare parts and to avoid planning errors, the Ministry intends to increase the personnel base for future exercises of this kind and to deploy more qualified personnel in individual cases.

- *Service personnel participating in the exercise also complained that the Class 4 armoured vest was not part of the personal VJTF clothing kit and that there was also not enough winter clothing. According to the Ministry, the servicewomen and men received the armoured vest before the exercise began. Permanently issuing them as part of the personal clothing kit was only planned beginning with the VJTF 2023 troops. Until then the vest was considered part of the auxiliary equipment to be issued. Soldiers who had been part of VJTF 2019 since the beginning of the year under review received the auxiliary equipment with their initial issue of clothing at the latest. For firearms activities in Germany, the requisite armoured vests would be provided at the given location.*

The insufficient resourcing of servicewomen and men with **armoured vests** - an item that let us not forget can save a soldier's life - has been an issue for years. Here full resourcing needs to be implemented as swiftly as possible.

- *The Parliamentary Commissioner was also told that prior to the Minister of Defence's visit to the major NATO exercise, a lieutenant colonel had instructed his troop units not to voice any criticism about resourcing and materiel to the Minister and the accompanying journalists. The Ministry of Defence denies this, so it is not possible to ascertain what really happened.*

Irrespective of this, what was said in the last annual reports on the **no-blame culture** at the Bundeswehr still applies: problems and mistakes need to be discussed in order to learn from them. This only works in a climate in which every serviceman and woman can feel free to speak to his or her direct or higher superiors without hesitation if something is not working as it should.

- *Junior-ranking personnel participating in the exercise criticised the lack of English training, although they had to use English as the radio language at the command posts. The Ministry of Defence continues to be of the view that across-the-board language training is not necessary for junior-ranking personnel but leaves it up to them to attend English language training if they so wish.*

The training capacities offered by the Federal Office of Languages have in fact hardly been used by junior-ranking personnel so far. The Army Headquarters has therefore advised its subordinate areas to make more active use of the available capacities for **language training** for junior-ranking personnel. Given the Bundeswehr's increasing inclusion in binational and multinational structures and missions, it would nevertheless be better to give longer-serving junior-ranking personnel training in English as a general rule in the future.

- *There was a lack of clarity regarding support for family members of the participants in the Trident Juncture exercise by the Bundeswehr family support organisation. Although requested by several soldiers, no support had been provided. However, the Multinational Joint Headquarters in charge had not even filed a request for the support, nor had the troop contributor requested a pre-exercise event, as to date no family support had been planned during exercises.*

In response to the complaints, the Ministry of Defence has initiated an amendment to the Type A General Publication 229/2 "Exercises in the Bundeswehr" stipulating that family support is now to be offered when exercises last more than thirty days. This decision is to be welcomed.

## MWR telecommunications

Worldwide and free provision of MWR telecommunications gives servicewomen and men a piece of home when they are away from Germany. It enables them to keep abreast of day-to-day events as they unfold and not lose touch with family and friends back home. The Bundeswehr now provides free-of-charge telecommunications for servicewomen and men on missions abroad in various forms. The use of the **Internet** is at the fore here. A large proportion of servicewomen and men are happy with the availability and quality of the Internet. The bandwidths are usually sufficient - but not everywhere. And troubleshooting is quick and straightforward - often, but not always. When it puts the framework agreement out to tender again with service provision scheduled to start on 1 July 2020, the Ministry of Defence should include the possibility of providing services from the agreement to multinational partners that are integrated in the German contingent.

MWR telecommunications provided at sea under the framework agreement that expired on 30 June 2019 were not satisfactory. They in no way met the specific needs of the **Navy**. After several interim solutions were unable to be implemented for various reasons before the conclusion of a new framework agreement, the Bundeswehr is now providing MWR telecommunications for the members of the Navy using mobile networks and on-board routers. The units have received the SIM cards required for this. Now it is a matter of concluding a new framework agreement as soon as possible which fully covers the Navy's MWR telecommunications needs.

## Transport to and from deployments

Whilst the IN/OUT dates for MINUSMA (Mali) were mostly adhered to in the year under review, servicewomen and men at RESOLUTE SUPPORT (Afghanistan) again reported flight cancellations and postponements.

- *In one case, soldiers were originally scheduled to fly back to Germany from the Afghanistan mission on 27 February 2019. The European Air Transport Command rescheduled the flight. It was not until 1 March 2019 that a very small number of soldiers were flown out in a civilian aircraft. The remaining soldiers had to wait until 5 March 2019 before they were able to leave the country of deployment.*

Problems like this have also occurred in previous years. An experienced member of the Medical Service summed it up as follows:

- *“I have yet to see a mission with proper hand-over times. Either too short (quick and cursory) or too long (seven to 14 days). Given the blatant shortage of personnel in Germany, 14 days make no sense. The flight planning for Afghanistan-Germany is the worst transfer planning I have ever experienced”.*

Excessive **waiting times** are neither reasonable nor, as the petitioner points out, acceptable in times of personnel shortages. In cases like this, the Bundeswehr must fly all the affected personnel in or out in civilian aircraft instead.

Germany was contributing to repairing the take-off and landing runways at the **airfield in Gao/Mali** in the scope of an upgrading initiative by the Federal Government. The construction measures have now been completed. Now that flight operations have started, there have been significant improvements in air traffic within Mali, which also benefits the German contingent. However, the runway is still not suitable for larger aircraft such as A310, A330, A340 or A400M from a fire safety point of view and due to the lack of passenger and baggage handling areas. This borders on folly and is a major disappointment. The faster transfer of servicewomen and men directly to and from Gao, which was still expected last year upon completion of the take-off and landing runways, is off the table as a result. So nothing will change when it comes to the long journey from Germany via Bamako to Gao and back. Not good news, especially for soldiers deployed in Niamey, who have to travel up to three days via Bamako and Gao before reaching their place of deployment.

- *“Servicewomen and men in Iraq did not think it was sufficient for a TRANSALL to be flying from Al Azraq to Taji just once every two weeks for the 40 soldiers. Inbound and outbound flights were being delayed and materiel deliveries were often reaching their destination with considerable delays. Any other form of transport inside Iraq was difficult, too, they reported. In the event of flight cancellations, you were stranded for several days. Turkish A400Ms and the American forces’ C-17s definitely did fly to Taji, though.*

The Ministry of Defence explains that due to the current threat situation in central Iraq, only protected military aircraft like the tried-and-tested TRANSALL can be used. The Airbus A400M did not have the necessary self-protection for passenger transport yet, it said. However, it was being used for the weekly connection between Al Azraq and Germany. The low availability of protected TRANSALLs, the

commitment in two theatres of operations (Jordan/Iraq and Mali/Niger) and the remaining number of flying hours available meant that it was not possible to increase the rate of mission flights in Iraq. They were hoping to have the **A400M self-protection systems** operational soon. There would be a test campaign at the end of 2019, but full operational readiness was not expected before the end of 2020 at the earliest. The Ministry was therefore considering having a civilian provider take over some of the freight consignments to Taji at least.

It does not make sense that the A400M should not at least fly to Erbil given that Lufthansa and Austrian Airlines offer regular unprotected scheduled flights to this destination.

### More Europe

A Europe of Defence, “l’Europe de la défense” as Germany’s French partners say, is currently making progress on three paths towards Europeanisation: the first path, in place since 2014, is the Framework Nation Concept (FNC), designed to achieve better cooperation between NATO and Europe. Second, the Permanent Structured Cooperation (PESCO) has been in place since 2017, for EU-Europe cooperation. And third, bilateral and multilateral cooperation between individual nations has already existed for quite some time, for example Dutch combat brigades integrated into German Army divisions or a new German-French air transport squadron.

In practice, **interoperability** between the various European nations is a key factor here. To date, the contributing nations often are unable to communicate with each other because the different systems are not compatible. Often what are known as “swivel chair interfaces” are used in an attempt to resolve the problem. At the sea battalion in Eckernförde, which cooperates with the amphibious forces of the Netherlands, German and Dutch telecommunications are not compatible with each other. The German soldiers report that during exercises this means a Dutch radio team always has to join them.

With the programme entitled “Digitalisation of Land-Based Operations” the Federal Ministry of Defence intends to create a connected information and communication network starting at the lowest tactical level with dismounted soldiers and extending all the way to the level of transferable command posts. Negotiations are underway with the Netherlands regarding potential cooperation. The aim, the Ministry says, is to achieve full and unrestricted interoperability by using identical equipment and multi-nationally agreed information technology

standards. To kick off the programme, the plan is to equip the German forces for the Very High Readiness Joint Task Force 2023 with a standardised battle management system. The Ministry of Defence also plans to equip 50 command vehicles through its project “Joint Networkable Radio Equipment” from 2020.

**Joint relief operations** also support the ties between partner nations. Hurricane Dorian wreaked havoc and destruction on 1 September 2019, killing thousands of people. Dutch and 66 German Navy soldiers worked together on the relief operation on the hurricane-ravaged Bahamas with the dock landing ship “Johan de Witt”, a Dutch helicopter carrier.

## 12. Law violations and the administration of justice

### Sexual harassment

The number of “reportable events” on the grounds of suspected offences against sexual self-determination was high again at 345 cases (2018: 288). In addition to this, the Parliamentary Commissioner received 32 submissions with indications of sexual assaults. Comments like “I’ll shag you next”, unwanted touching of the buttocks or smutty requests for sexual intercourse on WhatsApp unfortunately still occur. In recent years and also in the year under review, the Office of the Parliamentary Commissioner for the Armed Forces has noted increasingly sensitive handling of allegations of sexual harassment in many areas of the Bundeswehr. As a rule, the investigation documents submitted clearly show that the Bundeswehr does not tolerate any form of sexual harassment that comes to light and that it seriously and thoroughly investigates such allegations. Another positive aspect is that recruits already learn a considerable amount about the topic of “protection against harassment and sexual harassment at the workplace” in the first months of their period of service. In some formations, though, in the first 14 days of service there had only been an information event for young female recruits on how to defend themselves against harassment. This is not sufficient, female and male recruits alike need to be informed and briefed! First, this can help to prevent a false image of “masculinity in the armed forces”. Second, there are also repeatedly cases where young male soldiers themselves are victims of sexual harassment.

The Ministry of Defence is currently working on a **guide** on how to deal with discriminatory behaviour and sexual harassment. It is to be addressed to all members of the Bundeswehr and contain information

on the relevant legal foundations, prevention and response measures, measures to be taken by superiors in suspected cases, measures to protect victims, points of contact and information sheets. In addition, legal advisors are to train servicewomen and men on this topic. The Ministry is also drafting a central service regulation which addresses how to deal with suspected cases of criminal or unlawful conduct involving children or minors who are victims of sexual harassment and assault.

This is a good start. There is still a need to raise awareness on how to interact appropriately with each other at all levels, as the examples below illustrate:

- *A male soldier told a female comrade that she “could use a real cock again”. The disciplinary superior did not concur with the soldier’s reasoning that it had been a joke and punished the behaviour with a disciplinary fine of €800.*
- *Against her will and in the presence of other soldiers, one soldier showed a female comrade sequences of a video of his wife masturbating and a photo of his own erect penis. His disciplinary superior imposed a disciplinary fine of €1,500.*
- *A recruit harassed his roommate several times with sentences like: “I’m going to rape you tonight while you sleep”. “Fuck me, impregnate me”. The Bundeswehr dismissed him from service prematurely.*
- *One sergeant candidate called a comrade a whore in front of several witnesses, saying she was “only good for a fuck”, spread STDs and went to group sex parties. The soldier was dismissed from the Bundeswehr.*

However, if a differing assessment of behaviour leads to a situation in which those reporting (alleged) misconduct may face prosecution, this is hardly likely to foster a climate in which a **value-based mindset** goes without saying, as the following case demonstrates:

- *A female soldier reported sexual harassment by several fellow soldiers, including superiors, as well as other misconduct by these people. Although the investigations did indeed ascertain that there had been inappropriate behaviour, there was no clear evidence of sexual harassment. The Bundeswehr then handed over the case to the public prosecutor’s office, saying the petitioner was suspected of having made herself liable to prosecution by false suspicions and an untrue official report. The investigations by the public prosecutor’s office came to the conclusion that the referral of the matter to the*

*public prosecutor's office was neither necessary nor justified.*

## Bullying

The Parliamentary Commissioner received 45 submissions and 38 reportable events in the year under review on the subject of bullying (2018: 35 submissions, 36 reportable events). Case law defines bullying as 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.

Although every serviceman and woman should be aware that actions of this kind constitute a disciplinary offence, the Bundeswehr is also affected by this phenomenon.

- *One soldier wrote that a staff sergeant in her unit had repeatedly and persistently humiliated and insulted her by making pejorative remarks about her to others within the squadron for years. Investigations found that this constituted a clear case of bullying. The superior punished the behaviour of the accused soldier with an administrative punishment. He also raised awareness of bullying among all the personnel at the unit concerned.*

In this case it was possible to clearly categorise the unacceptable behaviour. In many cases, though, acts of bullying are so subtle that in practice it is difficult to prove unequivocally that they meet the definition of bullying. Not every **conflict situation** between soldiers or with their superiors constitutes bullying, though, even if it is perceived as such by the individual. The threshold of socially unacceptable behaviour is only crossed when behaviour is intended to violate the dignity of a person and to create an intimidating, hostile, degrading or offensive environment.

In many of the cases brought to the attention of the Parliamentary Commissioner, bullying could not be unequivocally proven. Often, though, conflicts had escalated because of poor communication between the people involved and because superiors had not recognised tensions in time or taken them seriously.

- *For example, one lieutenant described how he felt constantly discriminated against and harassed by his platoon leader when on deployment. The investigations did not find any punishable misconduct on the part of the superior. There were massive rifts though. Once all company members had returned from the mission, the company commander and another pla-*

*toon leader first had individual conversations with those affected. They then worked through the problems that had arisen during the deployment in several group discussions with all those involved and considered possible solutions together. The aim was to restore mutual respect, to insist on good relations with one another and to show the parties how to solve emerging problems themselves.*

This and other examples show that superiors in the Bundeswehr often try hard to create a comradely atmosphere where there is no place for disrespectful behaviour and bullying. The "Point of Contact for Discrimination and Violence in the Bundeswehr" at the Ministry also plays a useful role here.

## Social media

It is up to every user of social media to use it responsibly. Anything posted or published on the Internet is almost impossible or very difficult to delete permanently: "The Web does not forget". In this reporting year, too, servicewomen and men deliberately posted extremist, racist, xenophobic and discriminatory content on social media, leading *inter alia* to disciplinary investigations and also to premature dismissals from service.

- *A corporal, junior grade posted a swastika on a private WhatsApp group. The first consequence was a nonjudicial disciplinary punishment being imposed and then, in connection with further offences, premature dismissal from service.*
- *A junior officer cadet's WhatsApp profile picture showed him wearing a black/anthracite field cap and a beige/brown shirt, reminiscent of the uniform of the Hitler Youth or the Africa Corps. The text read: "Before us march the dead heroes of the old nation with storm-torn flags and above us the hero ancestors". The text is taken from the song "Ein junges Volk steht auf [A young nation rises]". The song is considered a mark of an unconstitutional organisation and is banned under Section 86a of the Criminal Code. The Bundeswehr dismissed the soldier from service.*
- *A corporal, junior grade threw apples at two shelters for asylum-seekers. In one case, a penalty order was issued against him. Several picture and text files indicating a xenophobic and extreme right-wing ideology were found on his mobile phone. In a WhatsApp chat he was part of, the participants often addressed each other as "Führer" and signed off with "Sieg Heil". He also exchanged supposed jokes about Jews and people with a migration background.*

*The Bundeswehr also dismissed this soldier from service prematurely.*

The Internet is not a lawless space. In November of the year under review, the Ministry of Defence published short and concise “**Social Media Guidelines**” on the Bundeswehr Intranet and Internet, in which the Ministry officially welcomes the responsible use of social media. The guidelines issued are designed to contribute to respectful behaviour on this media. They also entail servicewomen and men complying with military security interests. And any content posted has to do justice to the reputation of the Bundeswehr. Actual practice will show whether all servicewomen and men duly observe the guidelines when posting content on the Web.

### **Legal knowledge of disciplinary superiors**

In addition to special leadership qualities, disciplinary superiors need good legal knowledge. Otherwise they would not be able to successfully perform tasks such as command supervision, handling complaints and conducting disciplinary proceedings. Weaknesses in legal knowledge and application of the law can negatively impact **leadership behaviour** and contribute to sustained disruptions to the Bundeswehr’s operations.

- *For instance, a captain failed to initiate official disciplinary investigations against a staff sergeant who had punched and broken the nasal bone of a corporal, junior grade under his command. The captain was ruled to have committed a disciplinary offence. The decision was taken not to initiate judicial disciplinary proceedings against him. Judicial disciplinary proceedings were initiated against the staff sergeant.*
- *A company commander ruled in an order that a first lieutenant had committed a disciplinary offence without imposing a nonjudicial disciplinary measure. This was not in compliance with the Military Discipline Code, as he had failed to first grant the accused a final legal hearing. The first lieutenant had told a lance corporal that he had a very low opinion of women serving in the Bundeswehr and did not want them in his platoon. The company commander’s procedural error led to the disciplinary and complaints court overturning the decision of the company commander and also the complaint filed by the battalion commander in this matter.*

### **Disciplinary attorney’s offices and disciplinary and complaints courts**

Many judicial disciplinary proceedings still take a very long time, and those concerned are **prohibited from being promoted** for the duration of these proceedings. They are not allowed to attend training courses linked to career advancement, promotions cannot take place, participating in missions abroad is only possible in exceptional cases and finally, they cannot be transferred to the status of career soldier. The reputational loss associated with this is also particularly difficult. Disciplinary attorney’s offices and disciplinary and complaints courts cite understaffing as the reason, including at the court record offices incidentally. The increase in the number of posts at the disciplinary attorney’s offices does not seem to have translated into any improvement in the situation yet. In fact, all too often the proportion of posts filled is far from 100 per cent. Furthermore, participation in training initiatives and missions abroad and staff being away on parental leave reduce the level of personnel further. Open positions cannot be filled quickly. This leads to excessively long proceedings. It is actual personnel resourcing that is decisive for the efficiency of the disciplinary attorney’s offices. It must also be possible to provide swift remedies through increased recruitment of new staff or other appropriate personnel measures.

In the area of **disciplinary and complaints courts**, staffing levels also need to allow judges to deal with the real workload in a reasonable amount of time. The Office of the Parliamentary Commissioner for the Armed Forces is still monitoring cases where the allegation already dates back several years:

- *In a particularly extreme case, a disciplinary and complaints court has had the indictment since April 2014. A date for the main hearing is planned for the first half of 2020.*

The causes are multifaceted. In addition to understaffing and the varying workload of the respective chambers, the factual and legal complexity of some of the cases all play a role. The average **duration of proceedings** from indictment to ruling is becoming ever longer, and the availability of assessors and witnesses, who may be away on deployment for instance, is growing increasingly difficult. Add to this the fact that the number of proceedings is on the rise. The Ministry states that the existing personnel cannot significantly reduce the number of cases still pending and that it is examining the possibility of establishing four more active chambers. This should now be done as soon as possible.

Far-reaching structural changes and the Bundeswehr's changing spectrum of tasks mean that the **Military Discipline Code**, which has remained essentially unchanged since 2001, needs to be amended. The Ministry of Defence presented a first catalogue of measures in the summer of 2017. The aim is to provide superiors with a simple, effective and swift disciplinary system which achieves broad acceptance among the force. In addition to transparently drafting the new principles, the Ministry has already initiated immediate measures. These include extending the **limitation period** for disciplinary measures in nonjudicial disciplinary proceedings from six to twelve months and increasing the maximum disciplinary fine to two months' pay; plus an extension of the possibility to impose judicial disciplinary measures by means of a disciplinary court order up to and including a demotion in rank; and various changes in view of new data protection regulations. Furthermore, the immediate dismissal of temporary-career volunteers for serious disciplinary offences is to no longer only be possible in the first four years, but instead in the first eight years. This, however, is a subject of contention.

The "Expert Group on the Military Discipline Code" was established to ensure that workloads were not just passed on elsewhere but actually reduced. Measures that further complicate existing procedures do not help anyone. The most efficient way to accelerate judicial disciplinary proceedings continues to be allocating a sufficient level of judicial personnel to meet actual workload needs. The intention is to present an agreed draft Act before the end of the electoral term.

### Crimes against the Bundeswehr

In the year under review, there was an increase in crimes against the Bundeswehr. According to the Federal Ministry of Defence, 102 attacks or criminal offences against the Bundeswehr were recorded in 2019 (2018: 86), including 14 acts of violence against members of the Bundeswehr (2018: seven), seven arson attacks (2018: five), four acts of sabotage (2018: five) and 77 acts of violence against property (2018: 69). Damage to Bundeswehr materiel, the destruction of Bundeswehr advertising media or vandalism at military training areas were all categorised as acts of violence against property.

### Requests for case review and information made by the Parliamentary Commissioner

The Parliamentary Commissioner has extensive rights to information for the performance of his duties under the Act on the Parliamentary Commissioner for the Armed Forces. Time and again, the processing of cases is hampered by carelessness on the part of Bundeswehr agencies. In some cases, disciplinary superiors failed to mention the name of the accused soldier in their **comments** where the Parliamentary Commissioner was reviewing "reportable events" by virtue of his office. No compelling reasons for secrecy were apparent. This makes it more difficult for the Parliamentary Commissioner to make inquiries to superordinate agencies and disciplinary attorney's offices or to the Federal Office of Bundeswehr Personnel Management, and to match submissions to "reportable events". In other cases, the **investigation documents** required to determine the facts of the case were not provided. Finally, unnecessary delays in informing the Parliamentary Commissioner about new developments hindered the work. In some cases, the Parliamentary Commissioner had to first request the new information in writing. These failings cannot all be explained away by the high workloads and scarce personnel resources in all areas of the Bundeswehr and at the disciplinary attorney's offices.

### 13. Work-life balance

At the beginning of this year, Germany approved the "Directive of the European Parliament and of the Council on work-life balance for parents and carers". The aim of this directive is to improve the compatibility of family life, care and work throughout the European Union. In recent years, the Bundeswehr has made efforts to embed this goal in the armed forces, too. Even though "compatibility" or "balance" continues to be one of the main topics of the submissions, the results of the measures initiated under the "Bundeswehr in the Lead Agenda - Active. Attractive. Different." and the provisions of the Act to Increase the Attractiveness of Service in the Bundeswehr now in force are by all means making an impact.

### Problems of a commuter army

Servicewomen and men continue to be one of the occupational groups facing the longest commuting distances between their place of residence and work. On average, each soldier travels 121 kilometres between his or her place of duty and residence every

day. Mobility researchers have found that indicators such as blood pressure, heart rate or the concentration of stress hormones may be elevated in commuters. Many commuters sacrifice sleep, leading to a lack of time to regenerate. Commuting means **stress** and lowers performance. So the Bundeswehr must not let up in its efforts to make it easier to reconcile military service with family commitments and to put in place further measures to promote greater autonomy and flexibility. This also holds true against the background that, according to a recent study by the Psychological Service of the Bundeswehr, many soldiers decide not to apply for career soldier status because they are concerned about being transferred to a location that is unattractive to them or because they cannot reliably plan their future private life due to frequent transfers and relocations.

**Teleworking** and mobile work are forms of work that can make it much easier to combine work and family life. Approximately 8,000 approved applications for teleworking attest to the high level of acceptance of this form of work in the armed forces. In 2017, the Ministry of Defence evaluated the experience with teleworking up until that point. The interviewees encompassed both superiors and teleworking servicewomen and men. After assessing the – predominantly positive – feedback, the Bundeswehr has now revised the relevant central service regulations, providing working aids and information material on this basis. These not only explain the basics of teleworking or mobile work better than before, they also aid decision-making and render processes more transparent. This means that superiors now have greater certainty when it comes to determining how many teleworking jobs can be created in the department and which individual posts are suitable for teleworking. There are also plans to expand the training courses on offer.

A solution has now been found to reconcile teleworking and weekly **physical training**. Servicewomen and men can now take part in physical training sessions at units closer to home on a regular basis. The individual agreement to be concluded for teleworking or mobile work is required to specify the details in this regard (purpose, place, days, times). The individuals in question are then also covered in the event of an accident on the way to or from the training, for instance.

The Bundeswehr favours teleworking over part-time work models, as it argues that telework harbours greater advantages compared to part-time work: for the Bundeswehr because the serviceman or woman continues to work full-time, for the servicewoman or man because she or he does not have to forfeit part of her or his income. Many servicewomen and men

nonetheless try to achieve a better work-life balance through **part-time work**. Here, too, there have been improvements. The last annual report already noted that part-time service personnel may run into difficulties once the permitted period of twelve years has been exhausted.

- *For example, a female career soldier whose husband is also a soldier - sometimes deployed abroad - emphasised that as the mother of a 14-year-old son and as the daughter of parents requiring care, she was reliant on being able to work part-time beyond the twelve-year period.*

The Ministry of Defence had previously generally refused to apply the more favourable civil service provisions in these cases, citing the special nature of military service. The Bundeswehr now appears to be open to exceptions in justified individual cases. And what is more: in the future, it should be possible to work less than 50 % of normal working hours. So far, this has only been possible during parental leave.

**Alternative working hours models** harbour advantages. Some superiors need persuading of this. Support and advice from personnel management is no doubt helpful here. It is even more important to counteract the tendency for part-time servicewomen and men to be given worse appraisals than their full-time fellow soldiers. The same applies to development projections, which some military equal opportunities commissioners perceive as often being more negative for part-time personnel.

It is encouraging that the year under review saw a significant drop in the number of complaints about incorrect or slow processing of applications, both for teleworking and part-time work. Applicants failing to provide all the documents or suboptimal communication on the part of all of those involved was the reason for most of the submissions. In many cases, issues can be resolved through direct and open communication before they develop into a real problem.

To better support soldiers' families in emergency situations, the Bundeswehr launched a **Family Service** (awo lifebalance GmbH) as a pilot project several years ago. This arranges emergency childcare or emergency care for relatives in the space of 24 hours. The service package also includes childcare during school holidays. The agency fee charged by the family service is assumed by the Ministry of Defence. Users pay for the actual services used themselves. Although there were only 17 inquiries in the year under review, the Ministry is convinced of the value of this service and intends to roll it out nationwide. The service is ideal for offering positive sup-

port in emergency situations and as a last line of defence, but it is not well known yet. So there is a need for optimisation when it comes to ensuring easily accessible and nationwide information.

The vast array of different life models that exist today are still scarcely taken into account in the definition of partnership-related regulations. For instance, unmarried soldiers living together in a long-term relationship are at a disadvantage compared to married comrades, for instance in the context of the payment of family allowances. This also applies to divorcees with parental responsibilities. Fortunately, in the case of the daily separation allowance and travel allowances, the legislator has put an end to the **unequal treatment** of both groups: From 1 June 2020, all eligible servicewomen and men (unmarried and married) will receive a uniform daily separation allowance of €14. There will then also be a uniform travel allowance for the return journey to the home residence for all those eligible.

It is not possible to grant all assignment and transfer requests, whether this is because of a lack of assignment options or replacement personnel. Especially when it comes to the desire to be **assigned close to home**, the service personnel affected often felt not heard or poorly informed by personnel management. To lessen disappointments and avoid a lack of understanding in the first place, the servicewomen and men affected need to be able to actively participate in the decision-making process. This makes it easier to accept a negative decision, even if it does not make the personal family situation any easier.

### Family-specific problems during foreign assignments

The new deployment planning and implementation system generally sets forth a period in post of six months during deployments. The Ministry of Defence has stated, however, that servicewomen and men's actual period in post during the individual deployments varies greatly. For land-based operations led by the Army it was routinely six months. In contrast to this, the Navy and Air Force worked mainly on the basis of shorter deployment periods. For assignments to multinational headquarters and UN observer missions, periods in post exceeding six months were usual, it reported.

An extension of the **period in post during deployments** from four to six months is a clear deterioration. The Ministry of Defence has announced it will evaluate the extended deployment periods in terms of the strain on soldiers and their families. This evaluation is not available yet, though. In a recent study

by the Joint Support and Enabling Service, military psychologists assess such a long deployment period not only as a deterioration in work-life balance, but also as posing health risks to the servicewomen and men in question. Studies had found a significant negative correlation between longer deployment and well-being for instance, and between longer deployment and alcohol abuse, it cited. The likelihood of suffering from post-traumatic stress disorder also increased with the length of time spent on deployment. The risk of being alienated from home values and norms also rose considerably. In addition to this, reintegrating into one's social and work environment became more difficult. The troops say that volunteer applications are likely to decrease if periods in post last six months and a growing demand for splitting models is to be expected. A six-month absence, in particular of key personnel, is also difficult to compensate for in basic operations. In line with the recommendations of military psychologists and the troops, a deployment period of four months should therefore be standard.

- *During a field visit to the German UNIFIL contingent in Lebanon, Navy service personnel complained about the regulations governing family reunion during deployments. If Navy service personnel are unable to travel **home** for compelling operational reasons, family members may be allowed to travel to a safe haven for a visit. Previously, only one family member was allowed to travel, but since 1 January 2019 multiple family members are allowed (spouse, partner or unmarried children). This is an improvement. But these rules only apply to children permanently living in the family home and who are entitled to a family allowance. It does not apply, however, to separated or divorced parents if the children are living permanently with the other parent or with one parent one week and another the next on the basis of an alternating model. It is already not always easy for divorced soldiers with parental responsibilities to maintain regular contact with their children. The Bundeswehr should therefore be able to create a provision that grants soldiers with parental responsibilities a right to travel allowances for their children even if they do not share the same home.*

Precisely because the profession of soldier places such a strain on many relationships that then break down as a result, the Bundeswehr has a special **duty of care** here. But this is not the only example of the fact that the reality of life nowadays is still not duly taken into account everywhere yet.

- *During a field visit, servicewomen and men reported that the 1951 NATO Status of Forces Agreement only applied to married but not unmarried*

*couples in many contexts. If the Bundeswehr really wants to remain attractive as an employer in the long term, it is high time to advocate and work towards a change in outdated norms here, too.*

The **regulations governing domestic help for military families** are designed to ease the strain on families when dealing with the challenges of special foreign assignments, quasi-operational commitments, standing operational tasks or preparation for a special foreign assignment. An entitlement exists if childcare or care for relatives can only be provided by a family and domestic helper and the costs are not otherwise reimbursable. The Ministry of Defence states that this reimbursement of costs is for dealing with exceptional circumstances and is not meant to be a standard benefit for the absence of normal assistance from the rest of the family in the event of a work-related absence. Currently, those eligible can invoice costs of up to €50 per day (with a maximum hourly rate of €10). The barriers to this scheme are too high, the servicewomen and men affected say, and actual needs are not covered at all. The cost bases applied do not appear to be very up to date. In many regions it is simply not possible to find qualified support when needed at an hourly rate that is just above the statutory minimum wage, the level of support therefore needs to be based on a realistic rate. The term “domestic help regulations” also suggests it is possible to receive funding for a “domestic helper”. But actually, these are allowances for “care services”. This also repeatedly leads to misunderstandings and confusion. The name of the regulations should therefore reflect their actual purpose. Since 2015 there have been 730 first-time applications and 300 follow-on applications, 130 have been rejected so far. The total amount of care costs that have been reimbursed is €400,000.

Some soldiers on foreign assignments criticised the set transfer dates of 1 April and 1 October introduced in 2015. The dates were usually not compatible with the respective start of school, made the search for housing more difficult and removal companies were often fully booked at Bundeswehr locations. Other nations already changed during the summer holidays, it was stated. The Ministry of Defence, on the other hand, argues that the dates are good for the majority of service personnel, and that the soldiers are free to move before or afterwards, as it is also possible to derogate from the fixed **dates of transfer** with the approval of the department responsible for personnel processing. The Bundeswehr should inform the servicewomen and men going abroad of these possibilities and make use of them to a greater extent than it has done in the past.

Problems also arise during foreign assignments with regard to current **insurance contracts** or premium payments, for example to the ADAC automobile association. There are also reports that it is more difficult to conclude a loan agreement. The Federal Foreign Office issues a certificate to its employees abroad for correspondence with banks and insurance companies, declaring the Federal Foreign Office headquarters in Berlin as their official residence. This certificate does not constitute a certificate of residence for the purposes of the Federal Registration Act. The Ministry of Defence is examining whether establishing a domestic postal address for members of the Bundeswehr is possible and can solve the existing problems.

Difficulties in **ensuring schooling** for their children at the foreign location can lead to soldiers not starting a planned assignment.

- *A soldier who was designated for an integrated assignment at the NATO site at Sigonella in Sicily withdrew his application after plans by the Bundeswehr to set up a German school abroad there failed. He was told to enrol his children at the Swiss school there, which he considered unsuitable. In his and his wife's opinion, only the American school was suitable. The Bundeswehr rejected his application for recognition of the eligibility for funding of the school fees for this school, however.*

- *In another case, the Bundeswehr paid the costs of attending the American school, but only because the child was highly gifted and had an according recommendation from the primary school. It is proving increasingly difficult to find suitable applicants for the Sigonella location, as both the school situation and the care of pre-school children have not yet been satisfactorily resolved. The Bundeswehr is aware of the problem and is currently examining to what extent it can improve childcare there. It also plans to study the general conditions at the location as a whole. In addition to a comprehensive comparative analysis of the schools currently available to German pupils there, this also includes the housing situation.*

The Bundeswehr should conduct analyses of this kind at foreign locations with foresight and not just once no more applicants can be found.

### Childcare

Suitable childcare is important for a sustainable work-life balance, the relevant central service regulation states. This is why one of the aims of the

“**Bundeswehr in the Lead**” attractiveness campaign is to guarantee full childcare.

In the scope of this attractiveness campaign, the Bundeswehr has now closed some of the gaps in childcare. In 2019, the Bundeswehr had a total of 1002 (2018: 870) childcare places nationwide. However, this has not been accompanied at any location by the establishment of extra capacities in excess of existing demand, which could lead to a pull effect. On the contrary, the majority of the available places are 100 per cent filled. At some locations, such as Wunstorf, there are even **waiting lists**, which cannot make it very attractive to those who are transferred there. On the other hand, it is pleasing that an additional 30 places are to become available at the Wilhelmshaven site in the future, which will make it possible to fully meet demand. In the interest of its competitiveness on the labour market, the Bundeswehr must continue to make every effort to provide the best possible support for military families when it comes to qualified childcare. This applies above all wherever local municipalities are unable to ensure that childcare meets soldiers’ needs, for instance in terms of the hours offered. The Bundeswehr always points out that under constitutional regulations, the legal right to a childcare place has to be ensured by the cities and municipalities, not the Bundeswehr. However, this should not prevent the Bundeswehr from providing a sort of guarantee of suitable childcare at the location and actively coordinating supply and demand.

The construction of a **children’s day-care centre** for the Bundeswehr hospital in Berlin, which was announced years ago, continues to drag on due to difficulties that have since emerged in clearing the building site. Nonetheless, it is positive that the pilot projects for childcare at training locations were successful and that eight further training locations will now offer childcare. Here it is important to bring the necessary negotiations to a swift close.

In spite of some improvements, providing **childcare for school children** both after school and during the holiday period continues to be difficult. For female soldiers in particular, this fact may be a criterion for deciding against a career as a career soldier. The Bundeswehr should also ensure it can make offers in this vein in order to remain competitive.

In the past, there were repeated problems in connection with the early termination of **parental leave** in the event of a new pregnancy and maternity leave. Affected female soldiers were not aware that they were required to submit an application to interrupt parental leave. After the Parliamentary Commission-

er intervened, the Ministry of Defence revised the job instructions for personnel experts accordingly. The Federal Office of Bundeswehr Personnel Management has also modified its work materials. Since then, there have been no objections or complaints with a view to retroactively ending parental leave already underway to once maternity leave started. This example shows that some problems can be avoided by providing adequate information and advice.

## 14. Health care

### Medical Service

Medical care for servicewomen and men at home and abroad is provided by the Bundeswehr Medical Service. In the event of illness, the first point of contact is the medical clinics where physicians, ideally Medical Service officers, treat them and, where necessary, refer them to Bundeswehr specialists. Since soldiers are not entitled to choose their doctor themselves, they are always required go to their designated **medical clinic**. This in turn means the structure and staffing of the clinics have to be based on the number of soldiers in their charge and the personnel working there need to be trained accordingly. Unfortunately, there is repeatedly cause for criticism on this front:

- *To attend an appointment with a specialist at a Bundeswehr hospital, a female soldier received copies of extracts of her medical records from her medical clinic in a sealed envelope. When it transpired at the appointment that these were the wrong copies, both the petitioner and the specialist tried several times in vain to call the medical clinic in the hope of receiving the required records quickly. But nobody could be reached there as there was a general muster at the medical clinic followed by an event. Without the necessary documents, further medical examination by the specialist was not possible, so the petitioner had travelled a distance of 522 kilometres in vain. Irrespective of the fact that patient records for presentation to other physicians always need to be compiled with special care by the medical staff, also from a professional point of view, it is unacceptable for an entire medical clinic to be temporarily unavailable by telephone during duty hours. After all, the sick also need to be able to call their physician in the event of an acute emergency. The Regional Medical Support Command has instructed the medical clinic in question to ensure continuous telephone availability in the future and to exercise greater care when putting together medical records.*

In addition to telephone availability, it also needs to be ensured that a unit physician is indeed available on site at all times.

- *This was not the case at a medical clinic on several days, as both unit physicians working there were on a mission abroad at the same time and the head of the centre, who was otherwise the only senior officer present and could only be on medical duty 50 % of the time anyway due to his management duties, was unavailable at short notice. It defies understanding that the Bundeswehr would send two out of three unit physicians working at a medical clinic on a mission abroad at the same time without ensuring appropriate replacements. Here, the superior command authorities need to plan and coordinate better.*

In the annual report 2018, the Parliamentary Commissioner already highlighted the insufficient staffing at the medical clinic in Eckernförde. This situation had not improved initially in the year under review either.

- *For instance, a petitioner who visited the medical clinic found that a queue of more than 30 patients had already formed there at 7.15 a.m., the start of registration for new patients' consultation hours. On that day, out of a total of seven Medical Service officers working at the site, only one Medical Service officer and one contracted civilian physician were present, who started work at 8.00 a.m.. At around 8.15 a.m. 15 of the soldiers waiting were then driven by bus to the medical clinic in Kiel. In his comments, the head of the Eckernförde medical clinic stated that he had already explained to his superiors that with the current personnel and infrastructure situation he could not meet his task of caring for and assessing 2,500 soldiers at the site. In the second half of the year, the medical clinic in Eckernförde was given an additional unit physician post. Time will tell whether this improves the care situation.*

Reverting to the use of **contracted civilian physicians** may be useful in principle as extra support; after all, they provide additional medical expertise. It must be borne in mind, however, that contracted physicians sometimes do not have the same knowledge of internal organisational regulations and administrative procedures at the Bundeswehr as Medical Service officers.

- *A contracted civilian physician performed a discharge examination on a soldier at the end of his duty training at the medical clinic. Contrary to what is stipulated in the relevant central regulation on military medical assessment, he incorrectly graded him as "serviceable as a reservist, fitness for service category 6". However, fitness for service category 6*

*is only to be assigned if the person's health or serviceability is judged to be permanently unsuitable - which was not the case. To be able to continue to perform reserve services, the reservist had to be re-examined at his Career Centre. The Federal Ministry of Defence has acknowledged that the contracted physician's knowledge of military medical assessments was limited and that he should complete appropriate training before being deployed again in this area.*

- *At the Central Interdisciplinary Emergency Room of a Bundeswehr hospital, a civilian fee-based physician refused an officer a specialist medical examination by a dermatologist on the grounds that outside the time band for service hours, the dermatology department only came to the hospital for in-patient admissions of dermatology patients with a physician-diagnosed indication. The civilian fee-based doctor was not aware that soldiers are exempt from this regulation and that the dermatology department should have been informed.*

- *A contracted civilian physician referred a senior officer to a civilian clinic on the basis his findings. The contracted physician selected the clinic and arranged the appointment. The soldier received the documents in a sealed envelope. But the contracted physician who made the referral only issued a referral slip and not - as he should have - a declaration of defrayment of cost required for the examination at the private clinic. In order to be able to invoice the services despite the mistake made by the contracted physician, the senior officer was presented with a private treatment contract, which he signed in the knowledge that the Bundeswehr would reimburse the necessary treatment costs. The Bundeswehr initially refused to do so, however, on the grounds that by signing the treatment contract the soldier had forfeited his right to reimbursement of costs under Section 3 of the Bundeswehr regulations governing free medical care. These state that if medical treatment other than military medical care is used, the costs of this treatment are not to be reimbursed unless this was ordered by a military doctor. It was not until the Parliamentary Commissioner intervened that the Ministry of Defence agreed to reimburse part of the costs of the medical services used retroactively "as a sign of care and without acknowledging any legal obligation". Soldiers need to be able to trust that the doctors treating them will act correctly. The Bundeswehr must accept responsibility for any errors demonstrably made by the physician in the selection of a form. They must not be at the expense of the soldier. Contrary to the untenable legal argumentation in the letter rejecting the claim, the soldier had visited the clinic specifically on the orders of the unit*

physician. So the Bundeswehr should have at least reimbursed the costs that would also have been incurred had a declaration of defrayment of cost first been issued.

Year after year there are complaints of shortages of specialist staff at **Bundeswehr hospitals**.

- A nurse pointed out that there were too few nurses on the trauma surgery/orthopaedics ward. At times, this meant proper professional care of patients was not possible, and the nursing staff on the ward were at the limits of what they could cope with due to the high number of overtime hours. When the matter was reviewed it was found that a total of 86 out of 427 posts were vacant in one of the departments in question and 11 out of 45 posts were vacant in the other department.

The number of posts established is based on the average level of care. A high number of vacancies means that the existing personnel routinely have to assume the tasks of the missing colleagues and comrades. There is a need for further action here.

### Deployment-related mental illnesses

The number of servicewomen and men undergoing specialist medical treatment for the first time due to a deployment-related mental illness remains high. In 2016 there were 318 new cases, in 2017 there were 274, in 2018 the number was 279, and in 2019 there were 290. The total number of soldiers suffering from a mental illness in 2019 was 982. This number has risen continuously from 751 in 2016 to 784 (2017) and 867 (2018). The increasing numbers are evidence that deployment-related mental illnesses are not something that can be treated quickly and that treatment usually takes several years. Here, it must be taken into account that people suffering trauma often only enter treatment after a delay of several years. The Ministry of Defence therefore assumes that further cases of mental illness may arise from the group of soldiers who were involved in the fighting in Afghanistan from 2009 to 2012, for example.

Providing them with adequate treatment requires sufficient **treatment capacities** to be available at the Bundeswehr's medical facilities and hospitals. It is equally important, however, to take measures to counteract mental illness arising in combatants, or at least prevent it from worsening. In addition to providing preventive health cures, the Bundeswehr must ensure that all soldiers are given a five-month period off deployment per month of deployment between two missions abroad as per the 1/5 rule so that they can fully reintegrate into "normal" life. As

certain specialists are in too short supply at the Bundeswehr, this rule is repeatedly not adhered to. This may create additional problems.

Medical treatment of the illness is one aspect. In addition to this, there is the possibility provided certain criteria are met of participating in the courses "**Sport Therapy after Deployment-Related Disability**" and "Special Sport Therapy after Deployment-Related Disability" offered by the Bundeswehr Institute of Sports Medicine. Other important components of the rehabilitation of service women and men suffering deployment-related mental health problems are the specific care services offered by the Bundeswehr hospitals and the chaplaincies as well as the "Support and Care Under One Roof" seminar.

The one-week **specialist counselling seminar** offers a wide range of support for the participants reflecting their specific individual circumstances. Participants highlighted the exchange with other participants, who often face similar problems, and the opportunity to develop solutions for everyday life with specialist personnel as particularly positive. Furthermore, relatives can also participate in this seminar, allowing them - often for the first time - to receive information, help and above all appreciation. This is of particular importance because relatives play an important role in the rehabilitation process as the social support of those affected. This makes it all the more regrettable that participants repeatedly state that they only learned about this service by chance. Service personnel suffering from deployment-related mental illness and their relatives should be informed about all potential support services the Bundeswehr offers. In this case, to a large extent being informed also signifies being seen and appreciated. Further efforts must be made here to ensure that every soldier suffering a deployment-related mental illness is provided with a comprehensive list of all support services as early as possible. Even if the final decision on participation lies with the unit physician, this is no reason not to inform the service personnel in question.

It is often worthwhile or even necessary to **involve relatives** in the treatment of soldiers returning from deployments with mental health problems. So it is positive that in the year under review a provision was created in the Act on the Continued Employment of Personnel Injured on Operations (Section 20a) entitling relatives to reimbursement of certain expenses for their involvement. The model of a family health cure, which was launched as a pilot project and *inter alia* focuses on therapy to resolve family conflicts and stress after missions abroad, unfortunately is not being routinely implemented yet. This

should be done swiftly once the pilot has been evaluated.

In addition to therapy, **reintegrating** service personnel suffering from mental illness into service is an important element of rehabilitation. Soldiers who are in the protection period or who have been reinstated under the Act on the Continued Employment of Personnel Injured on Operations are supposed to serve as soon as this is possible from the point of view of their treatment. This gives rise to several problems: First, it is difficult to find a suitable service environment for servicewomen and men who are not yet fully resilient where they can make a meaningful contribution in line with what they are capable of at that time. Second, it is often a challenge for the units they are placed with to ensure the necessary support and supervision by superiors or comrades within the scope of the duties to be performed. It is particularly important here for superiors and fellow soldiers to receive sufficient training and professional support in dealing with those suffering from deployment-related mental illness. The attending unit physician also needs to have the expertise and experience to provide medical support for the reintegration process. Since only very few unit physicians have specialist psychiatric training, further training may be necessary in individual cases. A situation must definitely be avoided where the soldiers affected remain on sick leave for years, making the aim of full rehabilitation virtually impossible to achieve.

There are, however, service personnel returning from deployment with a mental illness who will no longer be able to perform regular service due to the severity and length of their illness. Under the Act on the Continued Employment of Personnel Injured on Operations these are the cases where the aims of the protection period cannot (or no longer) be achieved. Cases of this kind have only been properly recorded since 2018. According to these records, the Bundeswehr has terminated the protection period in a total of eleven cases since October 2018 on the grounds of non-attainment of the aims. Compared to the total of 841 soldiers in the protection period, this does not yet amount to a large number. Nevertheless, the Bundeswehr should make sure it provides sufficient support to these service personnel in integrating

into civilian life. The German **Foundation for Hardship Cases** can also provide rapid assistance in particularly problematic cases. It assumes tasks and services that the Bundeswehr is sometimes unable to for legal reasons. Since 2017, the Foundation has received an annual budget of €1.5 million for this purpose. In view of the increasing complexity of individual cases, an increase in the annual funds should be considered.

### **Suicides and attempted suicides**

In 2019, 21 suicides (2018: 17, 2017: 14, 2016: 12, 2015: 25, 2014: 24) and 52 attempted suicides (2018: 57, 2017: 55, 2016: 46, 2015: 44, 2014: 43) by servicewomen and men were reported. All the daily reports for the different reporting types were counted regardless of the outcome of the review. This means that the statistics also include cases of suspected suicide attempts and cases in which suicidal intentions were merely expressed - i.e. cases in which no suicide attempt took place at all. Furthermore, due to the way the reporting system is organised, the service personnel in question may be included in the statistics more than once with repeated suicide attempts or if suicide was preceded by one or multiple attempts.

The annual suicide rate at the Bundeswehr (0.01 per cent) appears to be identical to that of the overall population (0.01 per cent). The average age of suicides in Germany has been 57 for the last few years. Significantly more men than women take their own lives (in 2017 76 per cent of suicides were committed by men). In contrast to the overall population, the Bundeswehr consists mainly of men aged between 20 and 60.

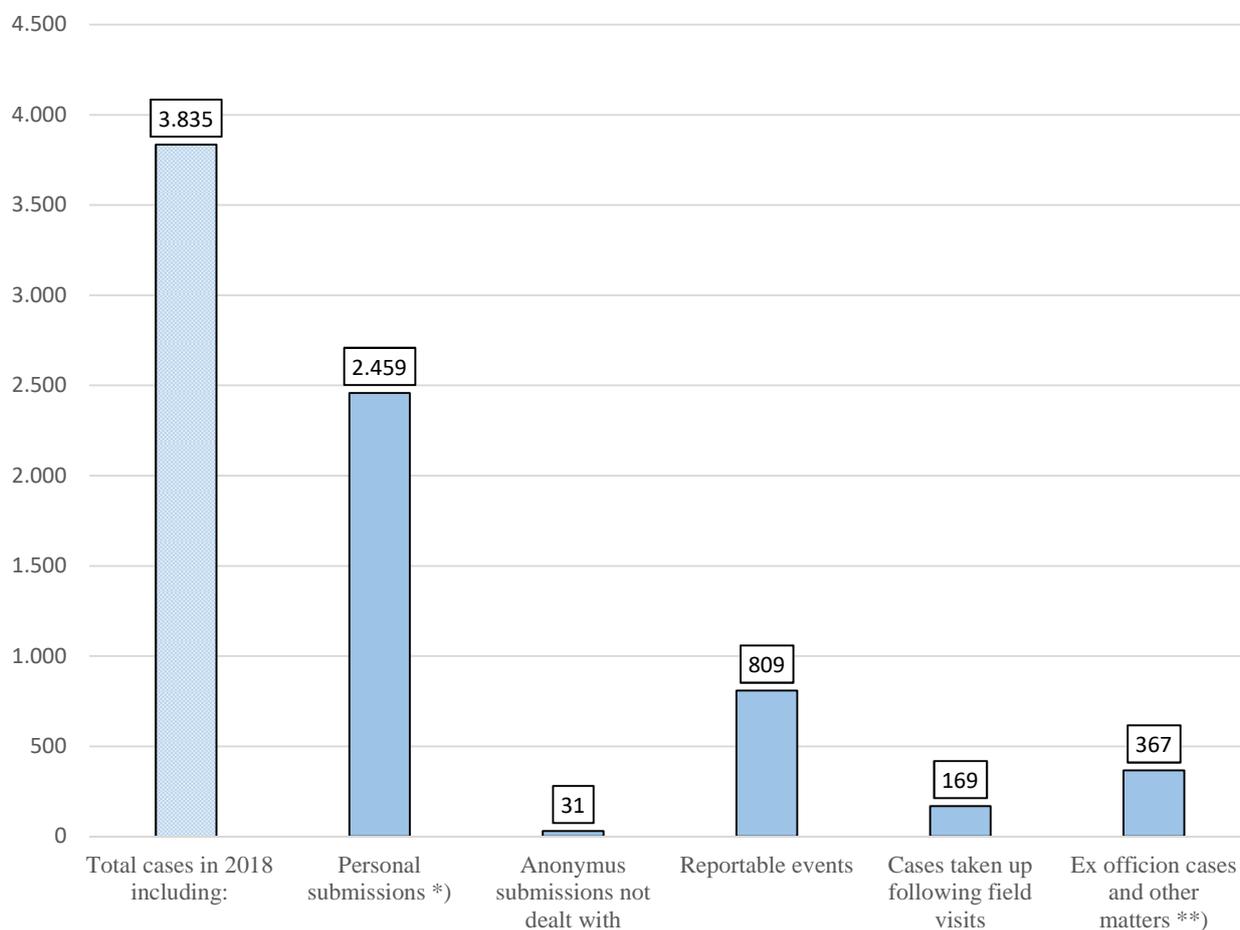
The Ministry of Defence only intends to continue the subject-specific investigation carried out for the cases in 2015 and 2016 if when monitoring future developments there are findings warranting further investigation. This is bad. Without systematic investigation, the Ministry of Defence can hardly seriously assess whether the recently improved and newly developed preventive measures are sufficiently effective or whether it needs to further adjust the services on offer. The fact that the “**Leadership guide on dealing with suicide**” designed to raise awareness among superiors has still not been published yet since it was announced in 2017 is bewildering.

**15. Cases and petitions:  
Statistical overviews**

A total of 3,835 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 which are reviewed by the Commissioner for the Armed Forces,

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

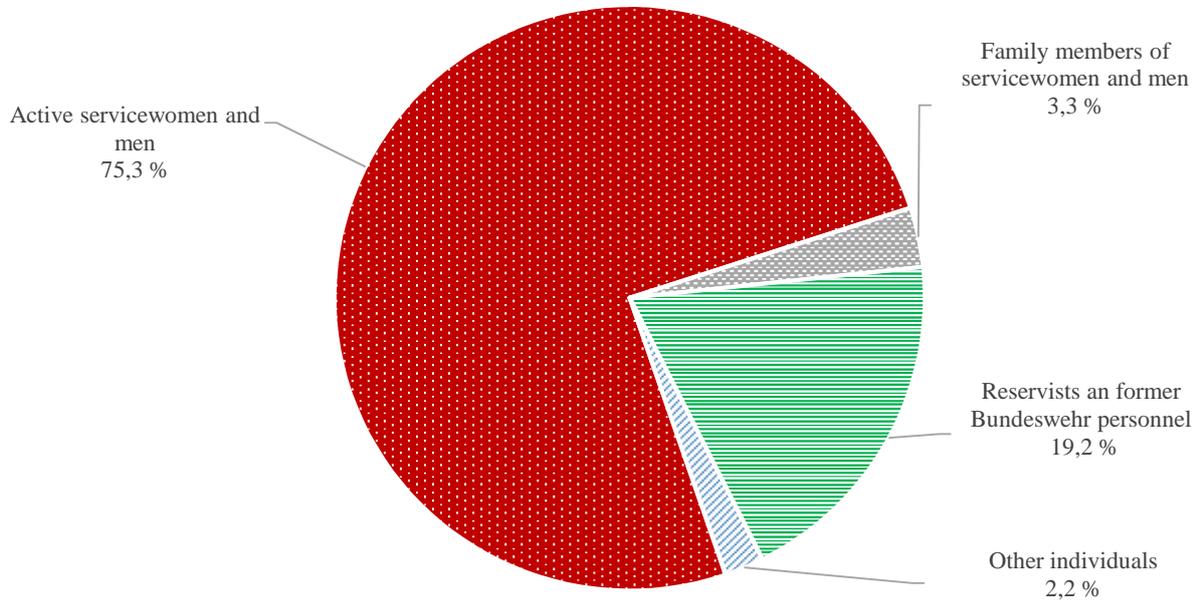
**Breakdown of cases - absolute figures**



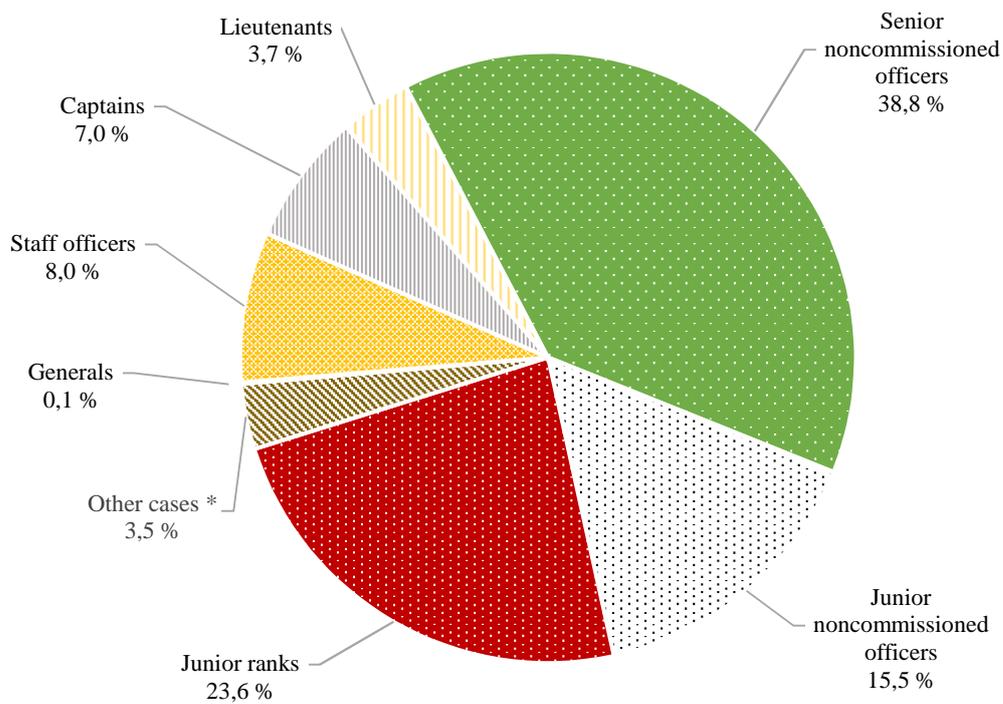
\*) Petitions from service personnel and their family members.

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

**Breakdown of personal petitions (2,459) by petitioners in per cent**



**Breakdown by rank in per cent**



\*) including by family members

**Breakdown of cases (3,835) by requests (6,761) \*)**

	<b>Number</b>
<b>Personnel matters relating to active servicewomen and men</b>	<b>2,381</b>
<u>including:</u>	
Establishment and termination of service statuses	512
Assignment planning, appraisal, promotion	671
Processing of personnel matters and personnel management	597
Pay and subsidiary areas of pay law	425
Personnel structure	52
Matters relating to reservists	89
<b>Leadership, camaraderie</b>	<b>653</b>
<b>Disciplinary law, law violations</b>	<b>949</b>
<b>Behaviour and conduct of servicewomen and men on and off duty</b>	<b>80</b>
<b>Training, equipment for training</b>	<b>243</b>
<b>Deployments abroad, equipment for deployments</b>	<b>451</b>
<b>Safety issues, accidents</b>	<b>68</b>
<b>Work-life balance</b>	<b>347</b>
<u>Including:</u>	
Matters relating to commuters	194
<b>Health, Medical Service, free medical care</b>	<b>212</b>
<b>Infrastructure, accommodation</b>	<b>142</b>
<b>Catering, clothing, welfare</b>	<b>115</b>
<b>Pensions and benefits, social affairs</b>	<b>662</b>
<b>Working hours</b>	<b>63</b>
<b>Diversity</b>	<b>56</b>
<u>Including:</u>	
Women in the Armed Forces (equality issues)	39
Service personnel with migration backgrounds	3
Sexual diversity	11
<b>Suicides, attempted suicides</b>	<b>73</b>
<b>Other matters **)</b>	<b>266</b>

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

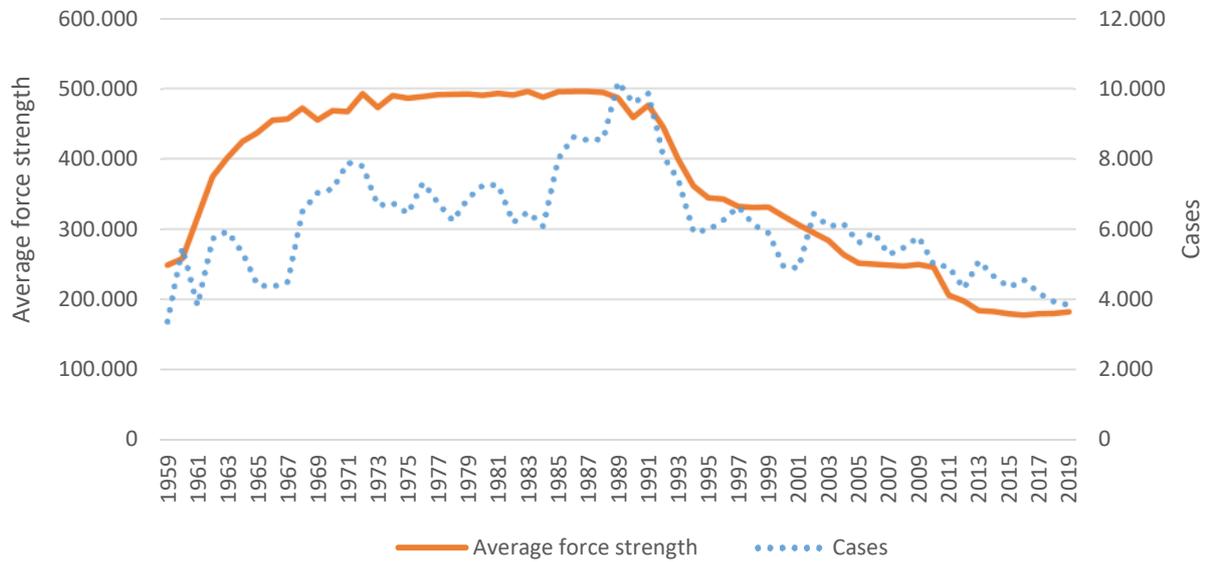
\*\*) Does not fall within remit, referral to Petitions Committee, requests for access to records, responses to annual report

**Development in the number of cases between 1959 and 2019**

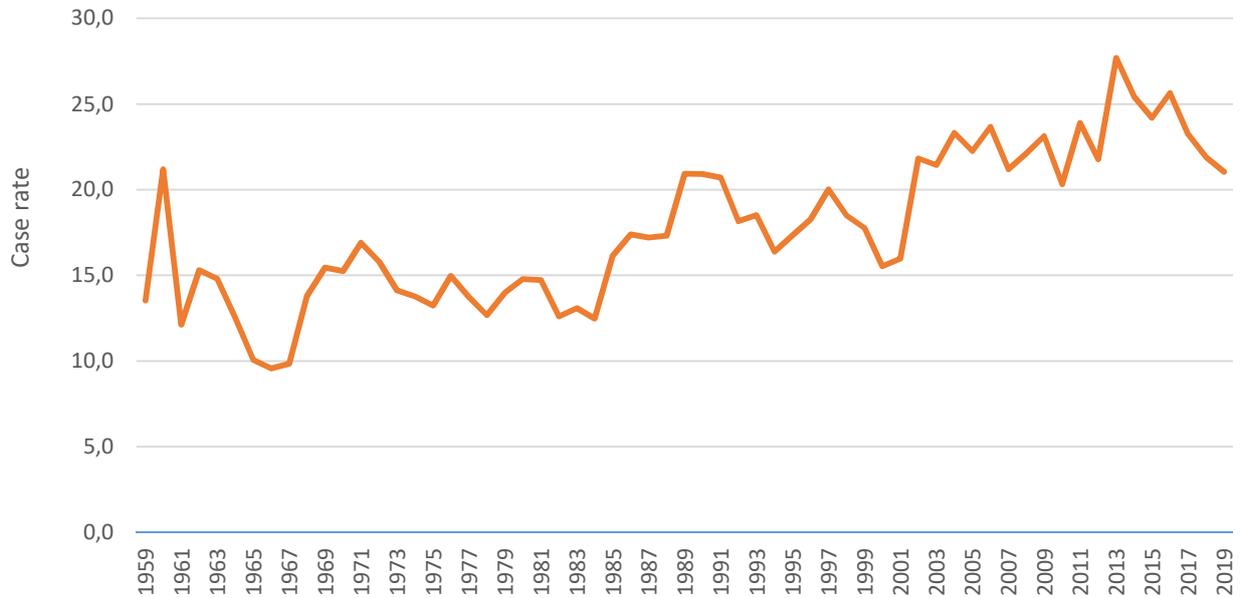
<b>Year under review</b>	<b>Total number of cases recorded</b>	<b>Average Bundeswehr force strength (active servicewomen and men)</b>	<b>Case rate per thousand active servicewomen and men</b>
1959	3,368	248,800	13.5
1960	5,471	258,080	21.2
1961	3,829	316,090	12.1
1962	5,736	374,766	15.3
1963	5,938	401,337	14.8
1964	5,322	424,869	12.5
1965	4,408	437,236	10.1
1966	4,353	454,569	9.6
1967	4,503	456,764	9.9
1968	6,517	472,070	13.8
1969	7,033	455,114	15.5
1970	7,142	468,484	15.2
1971	7,891	466,889	16.9
1972	7,789	492,828	15.8
1973	6,673	472,943	14.1
1974	6,748	490,053	13.8
1975	6,439	486,206	13.2
1976	7,319	488,616	15.0
1977	6,753	491,424	13.7
1978	6,234	491,481	12.7
1979	6,884	492,344	14.0
1980	7,244	490,243	14.8
1981	7,265	493,089	14.7
1982	6,184	490,729	12.6
1983	6,493	495,875	13.1
1984	6,086	487,669	12.5
1985	8,002	495,361	16.2
1986	8,619	495,639	17.4
1987	8,531	495,649	17.2
1988	8,563	494,592	17.3
1989	10,190	486,825	20.9
1990	9,590	458,752	20.9
1991	9,864	476,288	20.7
1992	8,084	445,019	18.2
1993	7,391	399,216	18.5
1994	5,916	361,177	16.4

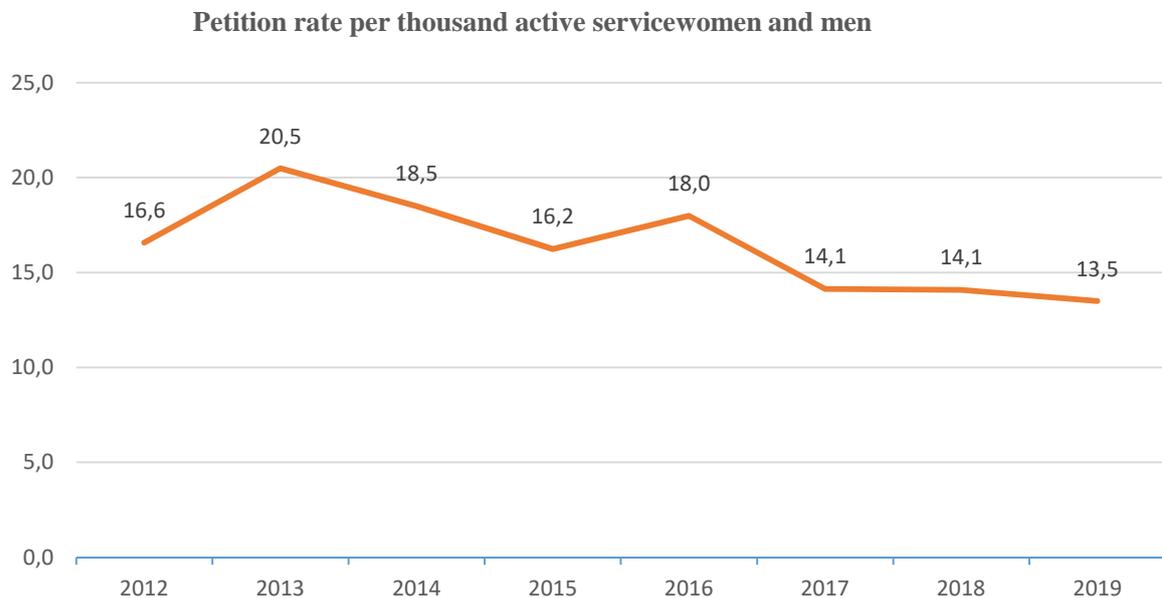
Year under review	Total number of cases recorded	Average Bundeswehr force strength (active servicewomen and men)	Case rate per thousand active servicewomen and men
1995	5,979	344,690	17.3
1996	6,264	342,870	18.3
1997	6,647	332,013	20.0
1998	6,122	330,914	18.5
1999	5,885	331,148	17.8
2000	4,952	318,713	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
<b>2019</b>	<b>3,835</b>	<b>182,219</b>	<b>21.0</b>
Total	376,651		

Comparison of case numbers with average force strength over time



Case rate per thousand active servicewomen and men since 1959





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

<b>Year under review</b>	<b>Average Bundeswehr force strength (active servicewomen and men)</b>	<b>Total number of personal petitions</b>	<b>Rate of personal petitions per thousand servicewomen and men</b>
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
<b>2019</b>	<b>182,219</b>	<b>2,459</b>	<b>13.5</b>

\*) Statistics on personal petitions have only been able to be recorded since the introduction of a new data recording system at the Office of the Parliamentary Commissioner for the Armed Forces in 2012.

## 16. 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 2019

04.-05.02.	Amman, Al Azraq (Jordan)	German COUNTER DAESH Mission Contingent
25.02.	Northwood (United Kingdom)	NATO Allied Maritime Command
04.-06.03.	Djibouti, Juba (South Sudan), Cairo (Egypt)	Field visit with Parliamentary State Secretary Thomas Silberhorn: German ATALANTA Mission Contingent, German UNMISS contribution
28.03.	Pfullendorf	Special Operations Training Centre
30.-31.03.	Erbil (Iraq)	German COUNTER DAESH Mission Contingent / Capacity Building Iraq
08.04.	Calw	Special Operations Forces Command
16.04.	Burg	171 Logistics Battalion
17.-18.04.	Tallinn, Ämari (Estonia)	German Contingent Air Policing Reinforcement Baltic
24.04.	Oldenburg	Bundeswehr Subsistence Office
25.04.	Osterholz-Scharmbeck	Bundeswehr Logistics School
30.04.	Pullach	Federal Intelligence Service
27.05.	Schwarzenborn	1 Light Infantry Battalion
28.05.	Wildflecken	Army Warfighting Simulation Centre
13.06.	Bischofswiesen	232 Mountain Infantry Battalion
21.06.	Hohn	63 Air Transport Wing
24.06.	Eckernförde	Sea Battalion
24.06.	Eckernförde	Navy Special Operations Forces Command
19.08.	Flensburg	Strategic Reconnaissance School
26.-29.08.	Bamako, Koulikoro, Gao (Ma- li); Niamey (Niger)	German MINUSMA Mission Contingent, German EUTM Mission Contingent, GAZELLE Mission
18.09.	Cologne	Federal Office of Bundeswehr Personnel Management

18.09.	Hürth	Federal Office of Languages
19.09.	Wiesbaden	U.S. Army Europe Headquarters
02.10.	Szczecin (Poland)	Multinational Corps Northeast
07.-09.10.	Mazar-i-Sharif, Kunduz (Afghanistan)	German RESOLUTE SUPPORT Mission Contingent
31.10.	Munich	Bundeswehr University Munich
11.11.	Hamburg	Bundeswehr University Hamburg
20.11.	Mannheim	Bundeswehr Training Centre
25.11.	Brunssum (Belgium)	NATO Allied Joint Force Command
02.12.	Nordholz	Naval Aviation Command, NAW 3, NAW 5
03.12.	Flensburg	Naval Academy Mürwik

### 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 such as the Munich Security Conference or the 11th International Conference of Ombuds Institutions for the Armed Forces (2019 in Sarajevo, Bosnia-Herzegovina), meetings of various branches of the German Bundeswehr Association and the Reservists' Association. The Parliamentary Commissioner also attended events such as the celebration marking the Day of German Unity at the Multinational Corps Northeast, a public pledge ceremony, the Helmut and Loki Schmidt Foundation to take receipt of the special reference book on the former Parliamentary Commissioner Karl Wilhelm Berkhan, the Veterans' Home for German Soldiers Foundation, as well as events with lectures and discussions by associations and political foundations. The Parliamentary Commissioner for the Armed Forces conducted discussions *inter alia* with delegations of foreign parliamentarians, government representatives and scientists.

### 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 57 appointments with military units, headquarters, agencies and authorities within the individual service branches and major organisational elements.

### Visitor groups

66 visitor groups were welcomed to the Office of the Parliamentary Commissioner for the Armed Forces by the Parliamentary Commissioner or his staff. 21 were international groups of servicewomen and men who were taking part in partnership seminars run by the Leadership Development and Civic Education Centre and various international armed forces seminars, including from Hungary, Latvia, the Netherlands, the US, the United Arab Emirates, Belarus, France, Armenia, Estonia, Montenegro, Romania, Lithuania, Iraq and Macedonia. 40 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 five groups of politically interested citizens.

**17. 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 15 November 2019 (Federal Law Gazette I, p. 1546)

**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.

(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 1 March 2019 (Federal Law Gazette I p. 197)

#### 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.
3. 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 re-

sponse to petitions, shall be forwarded immediately to Branch FüSK III 2, with the main case files that have been compiled, following their dispatch via the Leadership Development and Civic Education Centre, Internal and Social Affairs Unit.

This applies to

- petitions or reports concerning 'suspicions of criminal acts under the Military Penal Code' pursuant to paragraphs 321 to 325 of Type A General Publication 2640/34,
  - Petitions or reports concerning 'suspicions of offences against sexual self-determination and sexual harassment by or against members of the Bundeswehr' (paras. 341 and 342 of Type A General Publication 2640/34),
  - Petitions or reports concerning 'suspicions of espionage, extremism or violation of the free democratic basic order, committed by or against members of the Bundeswehr' (paras. 361 to 363 of Type A General Publication 2640/34).
308. In addition to this, upon request, all comments submitted by agencies of the Bundeswehr are to be forwarded through official channels to the Federal Ministry of Defence, with the main case files that have been compiled, following their dispatch, if
- the matter is to be assigned political or public/media significance, or
  - judicial disciplinary proceedings or criminal proceedings have been instituted concerning the case in question, or their institution is to be expected.
309. In so far as servicewomen or men release the physicians who have treated them or medical assessors from their duty to maintain medical confidentiality in connection with their petitions to the Parliamentary Commissioner for the Armed Forces, this shall, in case of doubt, relate exclusively to comments made directly to the Parliamentary Commissioner.

Copies of these comments and annexes attached to them that are to be forwarded to other agencies within the jurisdiction of the Federal Ministry of Defence through official channels must not contain any facts or assessments that are subject to medical confidentiality.

310. Comments addressed to the Parliamentary Commissioner for the Armed Forces shall, where applicable, be drafted in such a way that statements subject to medical confidentiality are summarised in a separate annex and shall be conveyed only to the Commissioner directly together with the original copy of the letter.
311. With regard to petitions, their contents and the comments on them, all concerned shall also have a duty to observe confidentiality in their dealings with one another pursuant to the provisions of the relevant legislation and/or collective agreements (e.g. Section 14 of the Legal Status of Military Personnel Act, Section 67 of the Federal Civil Service Act, Section 37 of the Act on the Status of Civil Servants and Section 3(1) of the Collective Agreement for the Public Service), in so far as they do not concern the immediate processing of the petition.
312. It shall only be permissible to evaluate the case to examine whether advice should be issued following the conclusion of the proceedings. The names of the individuals concerned may not be published when this is done. In particular, when servicewomen and men or witnesses are interviewed, they shall only be given knowledge of the part of a petition that relates to themselves or concerning which they are being interviewed.
313. As a matter of principle, proceedings shall 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.

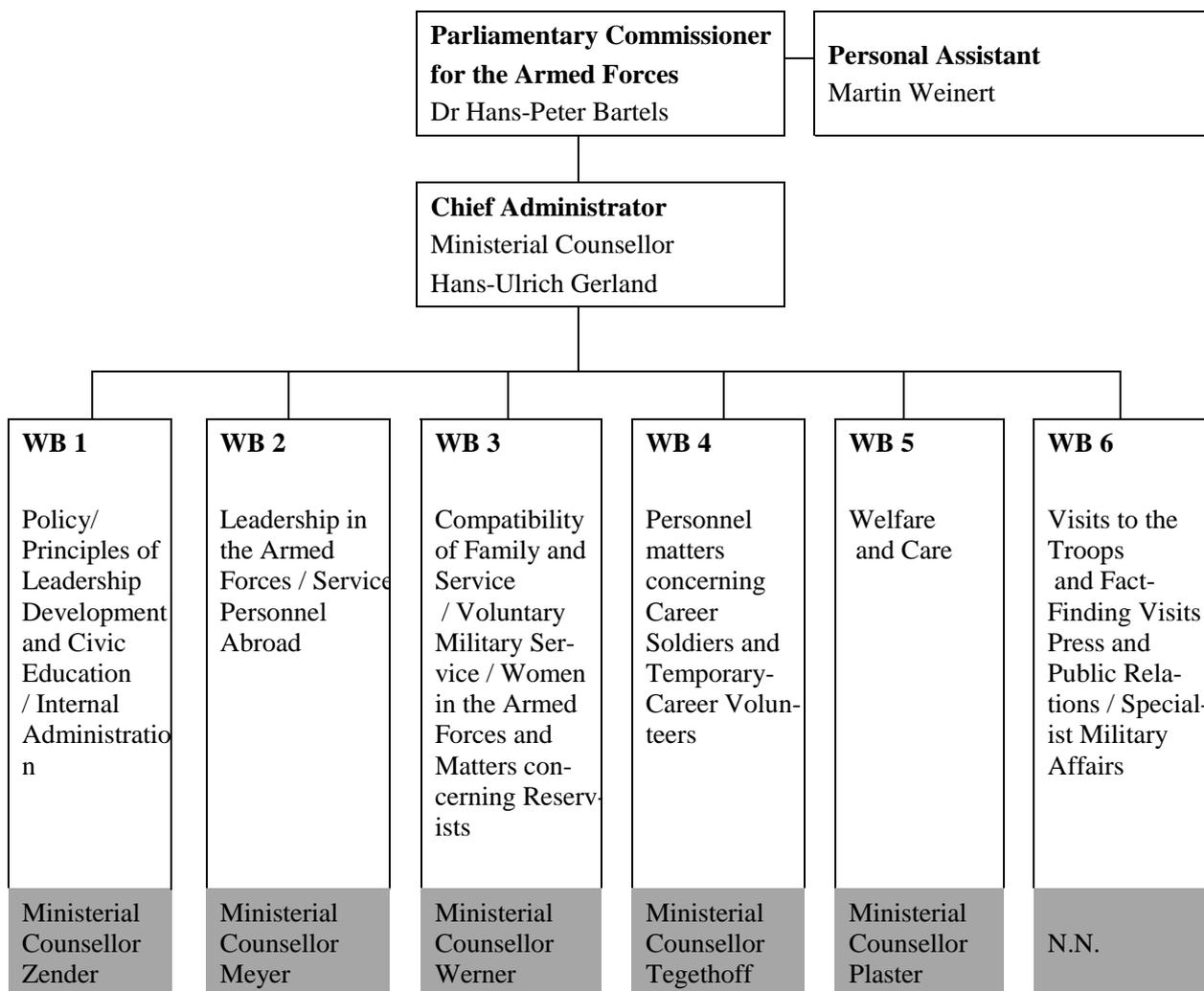
## 5 Data protection

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.

**18. Organisational chart of the Office of the Parliamentary Commissioner for the Armed Forces**



**Postal address**

Platz der Republik 1  
 11011 Berlin

**Address for visitors:**

Neustädtische Kirchstraße 15  
 10117 Berlin  
 Tel.: +49 30 227-38100  
 Fax: +49 30 227-38283  
 IVBB tel.: +49 30 1818-38100

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

[www.bundestag.de/parlament/wehrbeauftragter](http://www.bundestag.de/parlament/wehrbeauftragter)

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