

The German Model of Democratic Control over the Armed Forces

Armed forces

Today, it is commonly held that power is a relative concept with social, economic and technological, as well as military dimensions. The key element of power is specifically and unambiguously military power as it is regarded as the very essence of security. However, one of mankind's basic historical experience is the abuse of military power in its different forms.

Germany's painful experience showed how military power, as it was understood in the Clausewitzian concept of war as "the continuation of a nation's policies by violent means" could be misused and turned into militarism as a technique for internal and external statecraft.

Given Germany's recent historical experience, and from a strong desire to avoid a repetition of this, it was therefore clearly necessary with the decision to build-up the German armed forces in 1955, to establish simultaneously, institutions and mechanisms for the democratic control over those armed forces. Democratic control means the control of defence policy and the armed force with their requirements by civilians elected to parliament in order to ensure that armed forces occupy their appropriate place within and for a democratic society.

In addition, and to improve the military's acceptance of being controlled, the concept of "Innere Führung" was developed which promotes the model of the "citizen in uniform".

"Innere Führung" is a difficult term to translate satisfactory. It literally means "inner leadership", but as it is a unique concept, we have preferred to leave the term untranslated. It is the purpose of this paper to address the subjects of just how does democratic control of armed forces work in Germany, and what does the concept of "Innere Führung" encompass. The German experience has been a most successful one, and may be of practical use to new democracies in Central and Eastern Europe seeking to establish democratic control over their armed forces.

Democratic Control

In 1957 two special control institutions were established and anchored in the Basic Law of the Federal Republic of Germany. Firstly, a Committee on Defence (Article 45 a) and secondly, a Parliamentary Commissioner (Article 45 b). Both were to be appointed by the Bundestag, the lower house of the German Parliament.

In addition, the authority of Commander-in-Chief was vested in the Federal Minister of Defence (Article 65 a) who had to have civilian status. Upon the promulgation of a state of defence the command would be transferred to the Federal Chancellor (Article 115 b).

The Federal Minister of Defence, as part of the Federal Government, is under permanent parliamentary supervision (Article 43). This is done, as a rule, by the Defence Committee, which has the powers of a committee of inquiry. By this, it has the right to take on for further investigation all specific matters concerning the armed forces which are deemed to be of immediate interest or importance.

As defence and armed forces are exclusively in the area of Federal legislation (Article 73), the Bundesrat (the upper house of the German Parliament where the 'Länder' participate in the legislative process and administration of the Federation) has only a limited control function over the armed forces. The Defence Committee of the Bundesrat is only concerned with issues where the 'Land' is directly involved, such as the question of armed forces peacetime facilities.

The Defence Commissioner is the second control instrument of the Bundestag. He is equipped with various competences and rights to safeguard the basic rights of members of the armed forces and to assist the Bundestag in exercising parliamentary control. In the Defence Commissioner's annual report violations, shortcomings and deficiencies in the area of military leadership and the soldiers' general situation will be brought to the Bundestag's and to the Public's notice.

Another means of democratic control over armed forces is established in the task of the Federal Court of Audit (Article 114). This institution screens the Federal budget expenditures and determines whether public finances have been properly and efficiently administered. The defence budget is included as the armed forces strength and general organizational structure has to be shown in the budget (Article 87 a). The Federal Court of Audit does not have the right of intervention. However, it will submit an annual report to the Federal Government as well as directly to the Bundestag and Bundesrat. By this, the Federal Court of Audit reports its findings, provides advice, and requests Parliament to call upon the Federal Government to draw the appropriate conclusions and measures. The Court's annual report will be published, allowing public opinion to bring some pressure on the Government.

An important player in the democratic control of armed forces is the administration of justice within the armed forces. The Military Administration of Justice is a civil, independent institution, which is not obliged to act under military orders. The Military Administration of Justice ensures that the individual soldier will be protected from state power violating his personal rights. On the other side, it is the institution's responsibility to ensure that the efficiency of the armed forces will be hampered by the unreasonable behavior of individuals. The respective rules are set out in the Military Penal Code and the Military Disciplinary Code.

A special feature in Germany is the armed forces having their own organizational substructure for personnel, and the provision of the equipment and facilities required by them. The Federal Defence Administration (Article 87 b), which is manned by civilians, does not have a direct control function and cannot issue guidance to the armed forces. However, it is the functioning of this structure to prevent the armed forces from setting up their own administrative rules.

Last but not least, a certain bottom-up influence by military personnel is established. Officers, non-commissioned officers and men will annually elect a number of members of their own group to act on their behalf as intermediaries. They do not have the right to participate in the decision-making process of commanding authorities. However, they are intended to help resolving individual and organisational problems linked with the normal day-to-day routine. Soldiers' representatives will also participate in hearings for draft bills, decrees, and other

regulations concerning military service. In fact, the extent of this bottom-up influence is limited.

More pressure, however, can be put on the Government through the informal influence of an independent Federal Armed Forces Association which takes on mainly conditions and terms of service primarily of non-commissioned officers and men.

Democratic control over armed forces executed by civilians is extremely difficult. The complexity of armed forces and their multifaceted problems – resulting from a large number of personnel, money, and secrecy involved, their supposed monopoly in national defence matters, and their interlocking into international structures – does not increase transparency. Therefore, the reliability of democratic control over armed forces is dependent on civilian expertise in both national security and defence matters, and the acceptance by the military of being controlled, as well as unreservedly to acknowledge the primacy of policies determined by the parliament. Both are a matter of education. The military part in this education leads us to the concept of “Innere Führung”.

“Innere Führung”

The fundamental model for the soldier of the German armed forces is the “citizen in uniform”. In this slogan is focussed all that forms the essence of “Innere Führung”. The concept “Innere Führung” is the manifestation of the political will to reconcile the soldier’s civil rights with his military obligations. In its basic dimensions the concept was designed prior to the establishment of the German armed forces. By “Innere Führung” three major objectives should be achieved:

- the legal, political and ethical justification for having armed forces and the citizens’ obligation to do military service;
- the integration of the armed forces and the individual soldier into state and society, as well as into the North Atlantic Treaty Organization and the Western European Union;
- the willingness of the individual soldier to serve with conviction, to fulfill his duties to the best of his ability, and thereby to be prepared to accept the restrictions of some of his basic rights by special legislation concerning military service.

These objectives in turn require the military to be receptive to social, political and technical developments taking place in society. “Innere Führung” is translated into action in following domains:

– Military Leadership

Military leaders at all command levels have to respect their soldiers individuality, dignity and basic rights in order to maintain credibility in executing their leadership. Of course, military leadership can be regarded as an individual’s skill which is based on character, professional knowledge and intellectual power. Consequently, military leadership cannot be taught in stereotypes, systems or fixed regulations. However, the military leader has to be knowledgeable in the principles of leadership. This contains the practice of “Innere Führung” within the listed domains.

– Care and Welfare

Besides the state's general obligation to provide for the welfare of its soldiers, the military leader's foremost executive duty is to take care of his subordinates. This requires having sensitivity and the capacity for understanding the soldiers' concerns and having the knowledge of how to take problems before they arise.

– Political Education

As the soldier has to acknowledge and to stand for the democratic values, he needs to know about the state's constitutional basis, the principles of a democratic system, and the aim and objective of military service for a democratic state and society, democratic political education (but not ideological indoctrination) is therefore an essential element of this concept.

– Military Discipline

Military discipline is an important precondition for armed forces operating efficiently. Military discipline in the German armed forces aims at preserving the legal based duties and responsibilities of all military personnel. The guidelines are set out in the Military Service Act and the Military Penal Code. Education, training, and exemplary behaviour, but also exhortation or disciplinary action provide means and methods to improve the soldiers' approach of keeping military discipline and to avoid that it degenerated to blind or slavish obedience.

Superiors are allowed to issue orders exclusively for official purposes and in accordance with national and international law, as well as ministerial directives. Subordinate soldiers have to obey legal orders. They are obliged to disobey those orders which would clearly result in committing offence or crime.

– Legislation on Military Service

Basically the soldier enjoys the same civil rights as all other citizens. Legislation on military service, however, restricts (during their period of service) the basic rights of members of the armed forces freely to express and disseminate their opinions, the freedom of assembly, and the right of other than individual petition. To safeguard his rights a soldier can seek redress by several options. Among those, the most powerful are to call-on the Defence Commissioner, the Petitions Committee of the Bundestag, or by bringing his matter of concern to court.

It is obvious that the concept of "Innere Führung" is foremost an ongoing educational process within the German armed forces. This educational process includes the whole spectrum of military personnel, from military leaders at all command levels down to conscripts.

German armed forces are based on conscription. Due to the frequent rotation of conscripts, any tendencies and developments appearing within the civil society are immediately reflected in the military community. Seen in this way, conscripts are a necessary link between military and civilians. This fact in itself constitutes another type of "control" if society is open, and activities in the armed forces are subjects to transparency.

Armed Forces within and for Democracy

To promote the ideal of "Innere Führung" in the German armed forces the "Armed Forces Centre for Innere Führung" has been created already in 1956.

This Centre, located at KOBLENZ, is the central research and training institution in the field of "Innere Führung". It conducts courses, seminars and workshops for serving officers, NCOs and men of the armed forces, as well as for civilians. It develops training aids for use in the armed forces at unit level. In addition, the Centre maintains contacts to other political and academic institutions to explore current developments in their respective fields and to utilize their experience in the further development of "Innere Führung".

In summing up, the German system of democratic control over armed forces, together with "Innere Führung" within the armed forces, aims at having armed forces not just safely within but actually reinforcing a democracy. Both processes ensure the primacy of political leadership, the integration of armed forces in the constitutional framework, and the civil status of active serving military. German armed forces need to be prevented from becoming one of two extremes, on the one hand and excessively powerful state in a state, and at the other end of the spectrum an overly liberal organization without the necessary military discipline and efficiency. This underlines the fact that sound civil-military relations are at the heart of German democratic principles.

NOTES

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TRAINING Aids »Innere Führung«, Zentrum Innere Führung, D- 56076 Koblenz.