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Verbalnote

Die Ständige Vertretung der Bundesrepublik Deutschland bei der Organisation für Sicherheit und Zusammenarbeit in Europa, Wien, begrüßt die Delegationen und Vertretungen aller Teilnehmerstaaten der OSZE sowie das Konfliktverhütungszentrum und beehrt sich, unter Bezugnahme auf FSC.GAL/31/13, am 15.04.2013 den Informationsaustausch der Bundesrepublik Deutschland zum „Verhaltenskodex zu politisch-militärischen Aspekten der Sicherheit“, zusätzlich in englischer Sprache zu übermitteln.

Die Ständige Vertretung der Bundesrepublik Deutschland bei der Organisation für Sicherheit und Zusammenarbeit in Europa, Wien, benutzt diesen Anlass, die Delegationen und Vertretungen aller Teilnehmerstaaten der OSZE sowie das Konfliktverhütungszentrum erneut ihrer ausgezeichneten Hochachtung zu versichern.

Wien, 05. Juli 2013

An

- alle Delegationen und Vertretungen der Teilnehmerstaaten der OSZE
- das OSZE-Konfliktverhütungszentrum

Wien



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**Information exchange
on the Code of Conduct on politico-military
aspects of security**

(FSC.DEC/02/09)

Report by the Federal Republic of Germany
for 2012

Berlin, 15 April 2013

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Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

Transnational terrorism is a global phenomenon which can only be successfully countered through international cooperation. Germany has reacted as appropriate and with success to the terrorist threat with a comprehensive set of repressive and preventive measures. As well as the further development of national efforts (creation of the legal basis) and the optimization of the security architecture, the stepping up of international cooperation is an important part of this. Rule-of-law principles are of vital importance here, as is respect for human rights.

Cooperation in multilateral bodies

Germany is engaged in the fight against international terrorism not only within the United Nations but also within the OSCE, the EU, the Council of Europe, the G8, the Global Counterterrorism Forum (CGTF), the Financial Action Task Force (FATF), NATO, the IAEA and other organizations.

United Nations (UN)

Germany believes that the UN is the central forum for tackling the global terrorist problem. We support the unconditional ratification and effective implementation of all 13 sectoral counter-terrorist conventions, as well as the relevant UN Security Council resolutions, especially Res. 1373 (2001), on which the EU counter-terrorism sanctions system is based, as well as Res. 1267 (1999) ff. as the basis for the work of the al-Qaida/Taliban Sanctions Committee. From 1 January 2011 to 31 December 2012, Germany chaired the two Sanctions Committees. The UN sanctions regime was divided in Security Council Resolution 1988 (2011) for the Taliban and 1989 (2011) for al-Qaida.

Due to the reorganization of 2011, the Office of the Ombudsperson has been significantly upgraded: in their reports on delisting requests, the Ombudsperson now issues recommendations and not merely observations; a recommendation for the Sanctions Committee to consider delisting to remove someone from the lists will be complied with unless the Committee decides by consensus to maintain the listing. If consensus cannot be reached, a member of the Committee may request that the matter be referred to the Security Council which makes a majority decision. This has not happened to date. The al-Qaida sanctions regime was extended for another 18 months by Resolution 2083 of 21 December 2012. The mandate and powers of the Ombudsperson were further strengthened or consolidated. Within the framework of the negotiations on extending the resolution, the question as to whether the

ombudsperson system could be extended to other sanctions regimes was also discussed. This debate is currently ongoing in New York.

Res. 1540 (2004) is intended to prevent the proliferation of weapons of mass destruction to terrorists.

The Global Counter-Terrorism Strategy adopted by the 60th session of the UN General Assembly in 2006, as well as its action plan, form a joint strategic framework for the activities of UN member states in the counter-terrorism sphere. Furthermore, the Strategy envisages the swift adoption of the UN's Comprehensive Convention on International Terrorism as a key objective. From the outset, we have supported the UN Strategy as an attempt to build consensus within the UN General Assembly on combating terrorism, as well as the stronger coordination among the UN bodies involved. The same applies to the Task Force (Counter-Terrorism Implementation Task Force, CTITF) established by the UN Secretary-General to ensure coordination. The international consensus on combating terrorism was again reaffirmed at the third review of the Global Counter-Terrorism Strategy in June 2012.

OSCE

The adoption in Bucharest in 2001 of the Plan of Action for Combating Terrorism and in Porto in 2002 of the Charter on Preventing and Combating Terrorism has provided the OSCE with a solid normative basis for its contribution towards the global fight against terrorism. Germany supports the OSCE in carrying out this task and is working to foster close cooperation and coordination with other international organizations.

In the development of the OSCE's normative acquis on fighting and preventing terrorism, Germany argues fervently in favour of granting adequate consideration for international law and human rights. At the Ministerial Council in Athens (2009) and at the OSCE Summit in Astana (2010), Germany expressly called for all 13 universally valid UN counter-terrorist conventions to be strengthened.

In two Ministerial Council decisions, Germany recognized transnational threats, and thus also terrorism, as one of the greatest challenges to security in the OSCE area. This issue played a central role in the dialogue on pan-European security (Corfu Process). Thanks to a German initiative, moreover, a decision on enhancing document security was adopted which calls upon OSCE states to accede to the Public Key Directory of the International Civil Aviation Organization (ICAO), the authentication procedure for machine-readable documents. As the

chair of the OSCE Security Committee until the end of 2011, Germany played a key role in coordinating the various instruments and initiatives within the framework of the OSCE.

Germany supports OSCE institutions and field missions through project funding and almost 30 experts financed by the Federal Foreign Office. The field missions make a substantial contribution towards preventing and combating terrorism through institution-building, above all the police, customs and border protection, anchoring rule-of-law principles, promotion of free elections, the repatriation of refugees, as well as the fight against arms and people smuggling, religiously motivated extremism, money laundering and the financing of terrorism. What is more, Germany supports the work of the OSCE Secretariat's Action against Terrorism Unit (ATU) and the Office for Democratic Institutions and Human Rights (ODIHR), which focuses on ensuring that human rights are respected in the fight against terrorism.

Germany advocates the swift implementation of the OSCE Documents on Small Arms and Light Weapons and on Stockpiles of Conventional Ammunition, as well as the existing OSCE principles on non-proliferation. One special focus is the promotion of bilateral and multi-lateral projects on issues such as the stockpiling of conventional weapons and ammunition, as well as the destruction of surplus stockpiles.

EU

The EU has a comprehensive set of instruments to prevent and fight terrorism which is being steadily further developed. In this context, Germany has above all called for the rule-of-law elements in the EU's counter-terrorism sanctions regime to be strengthened.

Germany played a role in the development and promotion of key EU measures aimed at combating and preventing terrorism:

Lisbon Treaty, in force since 1 December 2009, with enhanced sanctions instruments for the protection of fundamental rights;

Stockholm Programme (2010-2014) – An open and secure Europe serving the citizen with clear guidelines on counter-terrorism and data protection;

Incorporation of the Prüm Treaty into EU legislation (enhanced cross-border cooperation, especially on combating terrorism and cross-border crime), agreed upon politically during Germany's EU Presidency in 2007;

Incorporation of the Europol Convention into the EU's legal framework. Since 2010 Europol has been a genuine EU agency;

EU-US Passenger Name Records Agreement to combat terrorism (entered into force on 1 July 2012);

Creation of the post of EU Counter-Terrorism Coordinator;

EU Counter-Terrorism Strategy, complemented by an action plan;

EU Strategy for Combating Radicalization and Recruitment to Terrorism;

German "Check the web" initiative, aimed at intensifying cooperation within the EU to prevent terrorists from using the Internet (information portal at Europol);

Green Paper on Bio-Preparedness;

European Programme for Critical Infrastructure Protection (EPCIP);

EC Directive on the identification and designation of European Critical Infrastructure (ECI) and the assessment of the need to improve their protection;

Incorporation of the former Nine Special Recommendations of the Financial Action Task Force on Money Laundering (FATF) into EU law;

Payment Services Directive.

Council of Europe

Germany has ratified both the European Convention on the Suppression of Terrorism of 27 January 1977 and the Amending Protocol to this Convention. The Amending Protocol was ratified on 13 July 2011. Furthermore, on 10 June 2011 Germany ratified the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005.

Germany ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 19 December 2012. Germany ratified the Convention on Cybercrime of 23 November 2001, the first international agreement on combating this new form of crime, on 9 March 2009. Moreover, it ratified the Additional Protocol to this Convention on 10 June 2011.

Germany has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011. The ratification of this Convention is being prepared.

G8

Within the G8, too, Germany is playing an active role in coordinating and optimizing measures aimed at combating international terrorism. The documents of all G8 summits in the last few years show the considerable attention which the G8 countries are paying to the problem of terrorism. The main forum for G8 cooperation on fighting terrorism and organized crime is the so-called Rome-Lyon Group, in which experts from the countries involved meet several times a year and engage in pragmatic and targeted cooperation. At present, the protective measures of individual states are being compared and best practices drawn up in six working groups. By referring individual cases beyond the G8 sphere, especially to UN bodies, a contribution is to be made towards setting international norms with regard to counter-terrorism measures. The main focuses of the work done in the Rome-Lyon Group are regularly included in G8 summit declarations, most recently in the 2011 Declaration of Deauville. Rome-Lyon pools expertise in combating terror and organized crime in a unique way; the entire spectrum of threats, including new trends (greater use of the Internet, new jihad fields of operation, changed *modi operandi*) are covered. Organizational and procedural adjustments are made regularly in order to ensure the efficiency of Rome-Lyon.

The Counter Terrorism Action Group (CTAG), which has until now met at the same time as the Rome-Lyon Group and served to support the development of counterterrorism capacities, ceased to exist when the GCTF (cf. below) took up this work.

Within the framework of the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction initiated in 2002, the German Government funded a series of key nuclear security projects up until 2012, mainly in Russia, thus helping to protect not only civilian nuclear research centres but also Russian nuclear weapons sites from unauthorized access by third parties.

GCTF

At the initiative of the US, the Global Counterterrorism Forum (GCTF) was established in September 2011 as an informal and multilateral forum whose purpose is to combat terrorism,

especially by building up and strengthening civilian capacities and rule-of-law institutions. Special emphasis is placed on the rule of law and respect for human rights and they are given the same weight as the effectiveness of the fight against terrorism. Compared to the G8 framework (cf. above), the GCTF has a larger number of members – 29 states in total and the EU – which include key countries, above all from the Muslim world.

The GCTF's strategic priorities are combating violent extremism and strengthening rule-of-law institutions. The work of the GCTF largely consists of developing and exchanging non-binding good practices as well as supporting and coordinating measures aimed at building up civilian capacities within the context of the international efforts to combat terrorism. The US and Turkey are currently co-chairing the GCTF; decisions are made on a consensual basis and the results are not binding. In principle, the GCTF is open to new members and is seeking to cooperate with the UN and other multilateral and regional organizations and institutions.

The GCTF consists of a strategic-level Coordinating Committee and five working groups, two of which are thematic (Countering Violent Extremism, Criminal Justice and the Rule of Law) and three regional (Sahel, Horn of Africa, South-East Asia). The last meeting of the Coordinating Committee and a meeting at Foreign Minister level took place in Abu Dhabi in December 2012.

NATO

The threat of international terrorism is one of the key security challenges for NATO. Germany supports NATO efforts to help fight and prevent terrorism through civilian and military measures. At the Chicago Summit in May 2012, political guidelines on combating terrorism were adopted by all NATO member states for the first time. These form the basis for even more focused and consolidated work on combating terrorism and, at the same time, provide orientation for cooperation with partners and other international organizations.

The Alliance acts within the framework of the efforts to combat terrorism both at the political and military level:

At the political level, NATO focuses on the use of the different partnership formats and relations with partners across the globe in addition to information exchanges and comparisons of intelligence information when it comes to pursuing the common goal of combating terrorism. This was also anchored in the Alliance's partnership policy, which was adopted in spring 2011. Within the framework of the NATO-Russia Council, the regular and successful cooperation in the sphere of counter-terrorism is of special importance.

At the military level, NATO is continuing to develop its range of capabilities to avert terrorist threats in many different spheres. Training measures for allies and partners play just as important a role as the implementation of the defence against terrorism programme of work. A special project of several years' duration is devoted to the detection of booby-traps. In addition, NATO is working hard to develop a political strategy to provide protection against attacks with chemical, biological, radiological or nuclear means. Operation Active Endeavour (OAE), which was established on the basis of Article 5 of the NATO Treaty to monitor shipping in the Mediterranean, is being continued.

IAEA

Germany actively supports and advances the IAEA activities aimed at combating nuclear terrorism. The package of measures adopted by the IAEA in March 2002 on strengthening nuclear security, preventing nuclear smuggling and combating the threats posed by nuclear terrorism was due to a German initiative. The German Government supported the implementation of these measures by providing experts free of charge and by contributing one million euro to the IAEA's Nuclear Security Fund between 2004 and 2006, as well as five million euro since 2009. The IAEA measures funded via the Nuclear Security Fund focus on activities aimed at enhancing the physical protection of nuclear plants, nuclear and radioactive material and preventing unauthorized persons from gaining access who could then use them for terrorist activities. In addition to this, there are measures aimed at making borders more secure, thus preventing nuclear smuggling.

The Convention on the Physical Protection of Nuclear Material, negotiated within the IAEA, is one of the 13 UN Conventions dealing with terrorism and serves to protect nuclear materials and facilities. The Convention's area of application was considerably extended with the active support of Germany at a diplomatic conference held in Vienna in July 2005. Germany, which ratified the amended Convention in 2010, continues to push for its early entry into force as well as for its universalization, because it represents a major step towards diminishing the dangers posed by nuclear terrorism.

In the same sphere, Germany is supporting IAEA efforts to increase the safety and security of radioactive sources in order to prevent them being used by terrorists, for example in the form of a "dirty bomb". Germany has undertaken to implement the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and is currently striving to implement the IAEA Guidelines on controlling the import and export of radioactive sources. Key elements of the

Code of Conduct and the Guidelines have already been incorporated into German law with the Act on the Control of High-Activity Radioactive Sources of 12 August 2005.

Nuclear Security Summit (NSS)

At the invitation of President Obama, Foreign Minister Westerwelle participated in the second Nuclear Security Summit (NSS 2012), which took place in Seoul on 26 and 27 March 2012. After assessing what had been achieved since the NSS 2010, the participants from 53 states as well as representatives from the UN, IAEA, EU and INTERPOL mainly discussed new issues, including combating nuclear smuggling, the relationship between the protection of radioactive material from unauthorized access and the safety of nuclear power plants following Fukushima and the protection of security-related information and computer-based security systems. At NSS 2012, the German Government introduced the new summit issue of the security of highly radioactive sources in order to prevent their use in “dirty bombs” and gained the support of more than 20 participating states for the non-paper it submitted, which contained proposals on how they can be better protected throughout the world.

Financial Action Task Force (FATF)

The FATF, the most important international standard setter in the fight against money laundering, adopted an amended version of the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation in early 2012. The Nine Special Recommendations on terrorist financing developed since October 2001 were completely integrated into the FATF standards which now include 40 recommendations. This was done in order to take into consideration the fact that preventing the financing of terrorism is an ongoing task and measures to combat money laundering are closely linked to those aimed at combating the financing of terrorism. The FATF recommendations not only call for the freezing of the assets of suspected terrorists but also – amongst others – regulations in the financial sector to ensure transparency in transactions and to combat underground banking; they are being implemented by Germany via the Banking Act (Kreditwesengesetz – KWG), the Act on the Supervision of Insurance Enterprises (Versicherungsaufsichtsgesetz – VAG), the Payment Services Supervision Act (Zahlungsdiensteaufsichtsgesetz – ZAG) and the Money Laundering Act (Geldwäschegesetz – GwG).

Export control regimes for weapons of mass destruction, delivery systems, conventional weapons and related dual-use goods

In keeping with the EU Strategy against the proliferation of weapons of mass destruction the Federal Republic of Germany is working to strengthen the existing multilateral norms and

treaties on non-proliferation. It is a participating state in all export control regimes controlling the export of goods which can be used in both a civilian and military context to produce weapons of mass destruction: the Nuclear Suppliers Group (the control regime in the nuclear field), the Australia Group (which endeavours to prevent abuse in connection with the development of biological and chemical agents) and the Missile Technology Control Regime (MTCR, control mechanism for missiles and their systems of delivery which can be used to launch weapons of mass destruction). Since 11 September 2001, all the regimes mentioned have formally set themselves the additional goal of preventing non-State actors, i.e. also terrorists, from gaining access to weapons of mass destruction and listed goods (dual-use goods) which can be used to produce weapons of mass destruction. The German Government actively supports programmes launched by the EU Commission with which the EU helps third states within and outside the regimes to establish and further develop export controls. The Federal Office of Economics and Export Control (BAFA) is responsible for the implementation of most of these programmes. To this end, Germany also supports the implementation of UN Security Council Resolution 1540 of 28 April 2004 (reaffirmed by Resolutions 1673 of 27 April 2006, 1810 of 25 April 2008 and 1977 of 20 April 2011), adopted during its Presidency, on preventing non-state actors from gaining access to weapons of mass destruction and their delivery systems. Furthermore, it is working towards eliminating stocks of weapons of mass destruction which are subject to bans and disarmament obligations in order to effectively counter the risk of proliferation.

The Federal Republic of Germany is also a member of the Wassenaar Arrangement (export control regime for conventional arms and the related dual-use goods and technologies), which added the fight against terrorism to its list of tasks following 11 September 2001. The lists of dual-use goods under the Wassenaar Arrangement are updated regularly and then are incorporated into Germany's schedule of restricted exports. Furthermore, best practice guidelines are drawn up within the framework of the Wassenaar Arrangement (e.g. control rules for man-portable air defence systems (MANPADS), controls on arms brokering).

Furthermore, in the United Nations the German Government was an active supporter of efforts to conclude an international agreement on trade in conventional weapons (Arms Trade Treaty – ATT). On the basis of UN Resolution 67/234 of 24 December 2012, a final conference of states took place at the United Nations to this end from 18 to 28 March 2013. The conference ended without the adoption of the draft treaty presented by the conference president on 27 March 2013. However, the UN General Assembly adopted this draft by a large majority on 2 April 2013. The Federal Government strongly supported the continuation

of the ATT process, urging its partners to do likewise. It will continue its commitment to the swift entry into force and subsequent implementation of the treaty. Together with its European partners, the Federal Government called for the range of arms to be controlled to be as wide as possible, including small arms and ammunition, and for the ATT to contain a binding catalogue of clear criteria for arms exports (including the safeguarding of human rights, respect for international humanitarian law, the preservation of regional stability and consideration of the domestic situation in the recipient state) as well as an effective system of guarantees concerning end use. The treaty adopted by the UN General Assembly and to be opened for signature on 3 June 2013 addresses some but not all of these demands. However, it provides a very good basis for the creation of a mechanism to regulate the international trade in conventional weapons.

The Federal Republic of Germany also supports the regular exchange of information with other states on the smuggling of arms, munitions and explosives as well as other sensitive material in order to prevent acts of terrorism. Accordingly, it also attaches importance to a more intensive exchange of information within and between the export control regimes. Furthermore, it is involved, also financially, in IAEA activities on strengthening nuclear safety, including the efforts to combat nuclear terrorism (Nuclear Security Fund).

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

The Federal Republic of Germany has ratified all 13 UN Conventions dealing with the fight against international terrorism.

These conventions are:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963)
2. Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970)
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971)
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973)
5. International Convention against the Taking of Hostages (New York, 17 December 1979)
6. (a) Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980)

6. (b) Amended version of the Convention on the Physical Protection of Nuclear Material (Vienna, 8 July 2005)
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988)
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988)
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Rome, 10 March 1988)
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991)
11. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997)
12. International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999)
13. International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005)

List of Agreements on Cooperation against Terrorism, Organized Crime etc.

(Not all agreements listed have yet come into force; in some cases the preparations for the entry into force are still underway.)

Bilateral:

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Belarus concerning Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Bonn, 4 April 1995

Agreement between the Government of the Federal Republic of Germany and the Government of the Kingdom of Belgium concerning Cooperation between Police Authorities and Customs Administrations in Border Areas, Brussels, 27 March 2000

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Bulgaria concerning Cooperation to Combat Organized and Serious Crime, Sofia, 30 September 2003

Agreement between the Ministry of the Interior of the Federal Republic of Germany and the Ministry for Public Security of the People's Republic of China concerning Cooperation in the Fight against Crime, Beijing, 14 November 2000

Agreement between the Government of the Federal Republic of Germany and the Government of the Czech and Slovak Federal Republic concerning Cooperation in the Fight against Organized Crime, Prague, 13 September 1993

Treaty between the Federal Republic of Germany and the Czech Republic concerning Cooperation between Police Authorities and Border Police Authorities in Border Areas, Berlin, 19 September 2000

Arrangement between the Federal Ministry of the Interior of the Federal Republic of Germany and the Ministry of the Interior of the Czech Republic on the Establishment of a German-Czech Centre for Police and Customs Cooperation in Petrovice – Schwandorf, Hof, 13 February 2012

Agreement between the Government of the Federal Republic of Germany and the Government of the Kingdom of Denmark concerning Police Cooperation in Border Areas, Berlin, 21 March 2001

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Estonia concerning Cooperation in the Fight against Organized Crime and Terrorism and other Significant Offences, Bonn, 7 March 1994

Agreement between the Government of the Federal Republic of Germany and the Government of the French Republic concerning Cooperation between Police and Customs Authorities in Border Areas, Mondorf (Luxembourg), 9 October 1997

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Hungary concerning Cooperation in the Fight against Organized Crime, Bonn, 22 March 1991

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Kazakhstan concerning Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Almaty, 10 April 1995

Agreement between the Government of the Federal Republic of Germany and the Government of the State of Qatar on Cooperation in the Field of Security, Doha, 22 February 2009

Agreement between the Government of the Federal Republic of Germany and the Government of the Kyrgyz Republic concerning Cooperation in the Fight against Organized Crime and Terrorism and other Significant Offences, Bishkek, 2 February 1998

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Latvia concerning Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Bonn, 30 March 1995

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Lithuania concerning Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Vilnius, 23 February 2001

Arrangement between the Minister of the Interior of the Federal Republic of Germany and the Minister of Justice and the Minister for the Public Force of the Grand Duchy of Luxembourg concerning Police Cooperation in the Border Area between the Federal Republic of Germany and the Grand Duchy of Luxembourg, Bonn, 24 October 1995

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Poland concerning Cooperation between Police Authorities and Border Police Authorities in Border Areas, Berlin, 18 February 2002

Arrangement of 22 September 2010/17 February 2011 between the Government of the Federal Republic of Germany and the Government of the Republic of Poland on the Establishment of a German-Polish Centre for Police and Customs Cooperation, Warsaw, 22 September 2010/17 February 2011

Agreement between the Government of the Federal Republic of Germany and the Government of Romania concerning Cooperation in the Fight against Organized Crime and Terrorism and other Significant Offences, Bucharest, 15 October 1996

Agreement between the Government of the Federal Republic of Germany and the Government of the Russian Federation concerning Cooperation in the Fight against Significant Offences, Moscow, 3 May 1999

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Slovenia concerning Cooperation in the Fight against Significant Offences, Ljubljana, 2 March 2001

Treaty between the Government of the Federal Republic of Germany and the Swiss Confederation concerning Cross-Border Police and Judicial Cooperation, Berne, 27 April 1999

Agreement between the Government of the Federal Republic of Germany and the Government of Ukraine concerning Cooperation in the Fight against Organized Crime and Terrorism and other Significant Offences, Bonn, 6 February 1995

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Uzbekistan concerning Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Bonn, 16 November 1995

Protocol on Cooperation between the Ministry of the Interior of the Federal Republic of Germany and the Ministry of the Interior of the Socialist Republic of Viet Nam on Preventing and Combating Crime, Hanoi, 28 February 1996

Agreement between the Government of the Federal Republic of Germany and the Government of the State of Kuwait on Cooperation in the Field of Security, Berlin, 13 February 2007

Agreement between the Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands concerning Cross-Border Cooperation by Police and in Criminal Law Matters, Enschede, 2 March 2005

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Austria concerning Cross-Border Cooperation on Danger Prevention by Police and in Criminal Law Matters, Berlin, 10 November 2003 and 19 December 2003

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Poland concerning Cooperation to Combat Organized Crime, Wrocław, 18 June 2002

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Tunisia concerning Cooperation in the Fight against Significant Offences, Tunis, 7 April 2003

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Turkey concerning Cooperation in the Fight against Significant Offences, in particular Terrorism and Organized Crime, Ankara, 3 March 2003

Agreement between the Government of the Federal Republic of Germany and the Government of the United Arab Emirates on Cooperation in the Field of Security, Abu Dhabi, 24 September 2005

Agreement between the Government of the Federal Republic of Germany and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime, Washington, 1 October 2008

Agreement between the Government of the Federal Republic of Germany and the Government of the Socialist Republic of Viet Nam concerning Cooperation in the Fight against Organized Crime, Berlin, 31 August 2006

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Croatia concerning Cooperation to Combat Organized and Serious Crime, Berlin, 10 March 2009

Agreement between the Government of the Federal Republic of Germany and the Government of the Kingdom of Saudi Arabia on Cooperation in the Field of Security, Riyadh, 27 May 2009

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Kosovo on Cooperation in the Field of Security, Berlin, 14 April 2010

Agreement between the Government of the Federal Republic of Germany and the Cabinet of Ministers of Ukraine on Cooperation in the Fight against Organized Crime, Terrorism and other Significant Offences, Berlin 30 August 2010

Multilateral:

Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16 May 2005

Council of Europe Convention on Cybercrime, Budapest, 23 November 2001

First Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems, Strasbourg, 28 January 2003

European Convention on the Suppression of Terrorism, Strasbourg, 27 January 1977

Protocol Amending the European Convention on the Suppression of Terrorism, Strasbourg, 15 May 2003

Council of Europe Convention on the Prevention of Terrorism, Warsaw, 16 May 2005

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Warsaw, 16 May 2005

United Nations Convention against Transnational Organized Crime, New York, 15 November 2000

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, New York, 15 November 2000

Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, New York, 15 November 2000

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, New York, 31 May 2001

United Nations Convention against Corruption, New York, 9 December 2003

Convention on the Stepping Up of Cross-border Cooperation, Particularly in Combating Terrorism, Cross-border Crime and Illegal Migration, Prüm, 27 May 2005

Agreement between the Government of the Federal Republic of Germany, the Government of the Kingdom of Belgium, the Government of the French Republic and the Government of the Grand Duchy of Luxembourg concerning the Establishment and Operation of a Joint Police and Customs Cooperation Centre in the Common Border Area, Luxembourg, 24 October 2008

International Convention for the Suppression of the Financing of Terrorism, New York, 9 December 1999

Agreements on Nuclear Non-Proliferation, against Chemical and Biological Weapons and Conventional Weapons, as well as the Non-Proliferation of Ballistic Missiles

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, Geneva, 17 June 1925

Treaty on the Non-Proliferation of Nuclear Weapons, 1 July 1968

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris, 13 January 1993

Comprehensive Nuclear-Test-Ban Treaty, New York, 10 September 1996

OSCE Document on Small Arms and Light Weapons, Vienna, 24 November 2000

UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 20 July 2001

International Code of Conduct against Ballistic Missile Proliferation, 25 November 2002

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, New York, 8 December 2005

Agreements on Mutual Assistance and Extradition

Bilateral:

Treaty of 14 April 1987 between the Federal Republic of Germany and Australia concerning Extradition

Agreement of 10 June 1966 between the Government of the Federal Republic of Germany and the Government of the Republic of Ghana concerning the Extradition of Fugitive Offenders

Extradition Treaty of 21 May 1962 between the Federal Republic of Germany and the Principality of Monaco

Treaty of 21 May 1962 between the Federal Republic of Germany and the Principality of Monaco concerning Mutual Assistance in Criminal Matters

Treaty of 26 May 1993 between the Federal Republic of Germany and the Kingdom of Thailand on the Transfer of Offenders and on Cooperation in the Enforcement of Penal Sentences

Treaty of 19 July 1966 between the Federal Republic of Germany and the Republic of Tunisia concerning Extradition and Mutual Assistance in Criminal Matters

Agreement of 31 January 1972 between the Federal Republic of Germany and the Republic of Austria to Supplement the European Convention on Extradition of 13 December 1957 and to Facilitate its Application

Treaty of 11 July 1977 between the Federal Republic of Germany and Canada concerning Extradition

Supplementary Treaty of 13 May 2002 to the Treaty of 11 July 1977 between the Federal Republic of Germany and Canada concerning Extradition

Treaty of 13 May 2002 between the Federal Republic of Germany and Canada on Mutual Assistance in Criminal Matters

Agreement of 2 February 2000 between the Federal Republic of Germany and the Czech Republic to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement of 13 July 2003 between the Federal Republic of Germany and the Republic of Poland to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement of 20 July 1977 between the Federal Republic of Germany and the State of Israel to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement of 24 October 1979 between the Federal Republic of Germany and the Republic of Italy to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement (exchange of notes) of 10 December 2001/22 January 2002 between the Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands to Amend the Agreement of 30 August 1979 between the Federal Republic of Germany and the Kingdom of the Netherlands to Supplement the European Convention on Extradition of 13 December 1957 and to Facilitate its Application as well as to Extend its Application to the Netherlands Antilles and Aruba

Agreement of 30 August 1979 between the Federal Republic of Germany and the Kingdom of the Netherlands to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement (exchange of notes) of 10 December 2001/22 January 2002 between the Government of the Federal Republic of Germany and the Government of the Kingdom of the

Netherlands to Amend the Agreement of 30 August 1979 between the Federal Republic of Germany and the Kingdom of the Netherlands to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application as well as to Extend its Application to the Netherlands Antilles and Aruba

Agreement of 13 November 1969 between the Federal Republic of Germany and the Swiss Confederation to Supplement the European Convention on Extradition of 13 December 1957 and to Facilitate its Application

Agreement of 8 July 1999 between the Federal Republic of Germany and the Swiss Confederation Amending the Agreement of 13 November 1969 between the Federal Republic of Germany and the Swiss Confederation to Supplement the European Convention on Extradition of 13 December 1957 and to Facilitate its Application in accordance with Article 3 (1)

Treaty of 27 April 1999 between the Federal Republic of Germany and the Swiss Confederation concerning Cross-Border Police and Judicial Cooperation

Agreement of 13 November 1969 between the Federal Republic of Germany and the Swiss Confederation to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application

Agreement of 8 July 1999 between the Federal Republic of Germany and the Swiss Confederation Amending the Agreement of 13 November 1969 between the Federal Republic of Germany and the Swiss Confederation to Supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate its Application in accordance with Article 3 (1)

Agreement (exchange of notes) of 27 August 1973/22 October 1973 between the Federal Republic of Germany and the Kingdom of Norway to Supplement the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and to Facilitate their Application

Treaty of 20 June 1978 between the Federal Republic of Germany and the United States of America Concerning Extradition, in the version of the Supplementary Treaty of 21 October 1986

Treaty of 27 June 2001 between the Federal Republic of Germany and the Republic of India concerning Extradition

German-British Extradition Treaty of 14 May 1872; partly applied again and amended by the Agreement of 23 February 1960 between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany for the Extradition of Fugitive Criminals; amended by the agreement (exchange of notes) of 25/27 September 1978; agreement (exchange of notes) of 5 July 1982/28 February 1983 on continued application

Agreement of 26 May 2006 between the Government of the Federal Republic of Germany and the Government of the Hong Kong Special Administrative Region of the People's Republic of China for the Surrender of Fugitive Offenders

Agreement of 26 May 2006 between the Government of the Federal Republic of Germany and the Government of the Hong Kong Special Administrative Region of the People's Republic of China concerning Mutual Legal Assistance in Criminal Matters

Agreements on the continued application of the German-British Extradition Treaty were concluded with the following states:

Bahamas, Dominica, Fiji, Kenya, Jamaica, Lesotho, Malawi, Mauritius, Seychelles, Swaziland, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Tonga, Trinidad and Tobago, Uganda

Treaty of 14 October 2003 between the Federal Republic of Germany and the United States of America on Mutual Legal Assistance in Criminal Matters

Supplementary Treaty of 18 April 2006 to the Treaty between the Federal Republic of Germany and the United States of America on Mutual Legal Assistance in Criminal Matters

Second Supplementary Treaty of 18 April 2006 to the Treaty between the Federal Republic of Germany and the United States of America concerning Extradition

Multilateral:

European Convention on Extradition of 13 December 1957

First Additional Protocol of 15 October 1975 to the European Convention on Extradition

Second Additional Protocol of 17 March 1978 to the European Convention on Extradition

Third Additional Protocol of 10 November 2010 to the European Convention on Extradition

Fourth Additional Protocol of 20 September 2012 to the European Convention on Extradition

European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters

Additional Protocol of 17 March 1978 to the European Convention on Mutual Assistance in Criminal Matters

Second Additional Protocol of 8 November 2001 to the European Convention on Mutual Assistance in Criminal Matters

Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union

Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union

Convention of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime

Framework Decision of the Council of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States. An act which provides for a uniform, accelerated extradition process, also for own nationals, entered into force on 2 August 2006.

Agreement of 25 June 2003 on Mutual Legal Assistance between the European Union and the United States of America

Agreement of 25 June 2003 on Extradition between the European Union and the United States of America

Agreement of 30 November 2009/15 December 2009 between the European Union and Japan on Mutual Legal Assistance in Criminal Matters

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

UN Security Council Resolutions 1267, 1333, 1363, 1373, 1390, 1452, 1455, 1526, 1566, 1617, 1624, 1699, 1730, 1735, 1822, 1904, 1988, 1989, 2083 and 2084 as well as the above-mentioned international agreements and protocols provide for anti-terrorism measures which Germany has implemented at national and European level. For example, as a result of 11 September 2001 various acts were adopted in Germany with the aim of facilitating the fight against terrorism in the spheres of internal security, European police and judicial cooperation, as well as the suppression of the financing of terrorism and international cooperation in the fight against terrorism. Furthermore, the tasks and powers of the intelligence services, as well as the penalties imposed in connection with the formation of terrorist organizations, were extended.

The EU drew up a comprehensive action plan. It includes the European arrest warrant, the freezing of terrorists' bank accounts and assets, enhanced police and judicial cooperation, as well as improved border controls.

Germany is complying with Resolution 1540 adopted by the UN Security Council on 28 April 2004 aimed at preventing non-state actors from gaining access to weapons of mass destruction, relevant materials and their systems of delivery. The necessary country report and the national matrix were submitted on schedule.

Cooperation in criminal law

The Federal Republic of Germany meets its obligations under UN Security Council Resolutions 1267, 1333, 1390 and 1455 at national level, in so far as they have not already been implemented at EU level. The Federal Public Prosecutor General conducts a large number of preliminary investigations against suspected terrorists and relevant organizations. Furthermore, Germany has reported several suspected terrorists to the United Nations for listing, and has consistently met its obligation to submit a report on the implementation of its obligations to the UN.

With regard to Security Council Resolution 1373, Common Positions, a Regulation and a series of Council decisions have been adopted at EU level. This includes drawing up a list of

persons and organizations which are classified as terrorist and the continual updating of the list. The preparations at working level for the relevant Council decisions are carried out by the Council Working Party COCOP, which meets in Brussels at least once every six months. Furthermore, EU member states have agreed on a uniform definition of terrorism and have thus made it easier to align the definitions of national terrorist offences and frameworks. Other measures taken at European level are: agreement on a European arrest warrant, enhanced cooperation and exchange of information between intelligence services (regular meetings of the heads of the national intelligence services), as well as the extension of police (Europol) and judicial (Eurojust) cooperation.

Safeguarding borders/entry into a country/stay

The states of the European Union have strengthened their joint measures in the field of border controls in order to restrict the freedom of movement of individual terrorists or terrorist groupings. This is intended to guarantee that persons who have taken part in acts of terrorism do not enter European Union member states, cannot stay there and that they are not granted asylum. Before a Schengen visa is granted, applicants from certain states are vetted by the security authorities of the various Schengen states in order to ensure that persons with a terrorist background cannot enter the Schengen area.

Suppression of the financing of terrorism

The EU uniformly implemented the United Nations Financial Sanctions against the Taliban/Osama bin Laden and al-Qaida contained in UN Security Council Resolutions 1267, 1333 and 1390 by way of a Common Position (2002/402/CFSP) and a Council Regulation (EC) 881/2002. Regulation (EC) 881/2002 and the regulations subsequently amending it make it possible to freeze the accounts and other assets of the persons/organizations on the Security Council list.

In this connection, Regulation (EC) 1889/2005 on controls of cash entering or leaving the European Union is another contribution towards preventing/combating the financing of terrorism by customs.

Organized crime/drug trafficking

Also in view of possible ties with terrorism, Germany attaches great importance to the fight against transnational organized crime, illegal drug and arms trafficking as well as human trafficking, smuggling and piracy. It is especially important to combat cash flows connected to criminal acts. At bilateral level, Germany has concluded agreements with a number of

states, primarily in Central and Eastern Europe, on cooperation in the fight against organized crime (cf. also 1.1).

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Preventing and combating terrorism in Germany is primarily the task of the police, as well as of the intelligence services. Their roles and missions are outlined in the comments under II 2.2.

The armed forces are a key element of German security policy. Within the scope of comprehensive prevention, the deployment of armed forces abroad in the fight against terrorism can only be seen as complementary to effectively harmonized foreign, development, economic, financial and cultural policies, backed up by domestic and legal policies. The capabilities of the armed forces must be incorporated into an interdepartmental overall strategy, taking into account the provisions of the Constitution on deployment within Germany.

Security and stability are prerequisites for durable peace in crisis zones. They need a system which takes into account the specific security requirements of the population in question, is accepted by the population and politically legitimized.

In Afghanistan, the integrated crisis prevention approach in the use of civilian and military measures has been consistently implemented by the international community since 2001. NATO is continuing its policy of helping to support the security and stabilization of Afghanistan on the basis of the UN mandate. On 30 January 2013, the German Bundestag extended the deployment of German troops in Afghanistan until 31 March 2014. With up to 4400 troops, Germany is the third-largest provider of troops at present and is playing a prominent role by assuming command for the northern region. Of the current 16 Provincial Reconstruction Teams (PRTs) still active in Afghanistan and under NATO/ISAF command, three – including the German PRT in Kunduz – are in the northern region, which is under German command. The civilian-military PRTs support local and central government in civil reconstruction as well as in the development of economic and democratic institutions on the ground. In addition to implementing economic and development measures of direct local relevance, implementing short-term measures which foster stability in the districts freed of insurgency is of special importance. This is intended to create a climate of security which

enables the local population to develop in both the economic and social spheres, thus countering the appeal of extremist groups. The work of the PRTs is thus making an indirect contribution towards stamping out extremist and terrorist movements, thus helping to prevent Afghanistan from again becoming a safe haven for international terrorism.

Furthermore, Germany is making a substantial contribution towards the development of training capacities in the Afghan police force through a bilateral German Police Project Team (GPPT). Up to 200 German police officers are helping to train civilian Afghan police officers or are acting as mentors for Afghan instructors. The four police training centres (PTCs) built by Germany for this purpose are to be gradually handed over to the Afghan side, a process which should be completed by the end of 2014. The Afghan police force has fully operated the former German PTC in Feyzabad since autumn 2012. In addition, Germany is providing personnel and financial support, including up to 60 police officers and civilian experts, for the EU EUPOL mission to develop the Afghan police force.

Moreover, the German Government is financing the Afghan Peace and Reconciliation Programme (APRP), which is intended to help insurgents return to Afghan society and provide (economic) alternatives to participation in the insurgency.

NATO's Operation Active Endeavour (OAE) in the Mediterranean is an additional military contribution towards combating international terrorism. OAE consists of presence and surveillance operations in the entire Mediterranean in which non-NATO states, such as Ukraine, temporarily participate. Maritime presence and maritime operations within the scope of OAE demonstrate NATO's resolve to combat terrorism. The German Navy regularly participates in OAE.

Within the framework of homeland security, the Bundeswehr helps to ensure the security of the entire state through its Civilian-Military Cooperation capabilities. The territorial organization forms a nationwide network based on the Federal structure, partly using serving reservists, which advises and supports civilian agencies at Federal, regional and municipal level.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining inter alia to:

- Financing of terrorism**
- Border controls**
- Travel document security**

- **Container and supply chain security**
- **Security of radioactive sources**
- **Use of the Internet and other information networks for terrorist purposes**
- **Legal cooperation including extradition**
- **Safe havens and shelter to terrorists and terrorist organizations**

With its anti-terror policy, the Federal Government has reacted with vigour to the increased threat posed throughout the world by international terrorism since the attacks of 11 September 2001 and has taken a host of political, diplomatic, police, intelligence, justice, humanitarian, economic, financial and military measures aimed at combating this phenomenon.

The Federal Government's strategy on fighting international terrorism is determined by five key objectives:

1. destroy terrorist structures – considerable efforts to search and investigate
2. stamp out terrorism before it has a chance to develop
3. extend international cooperation
4. protect the population, make provisions, reduce the country's vulnerability
5. tackle the root-causes of terrorism

With regard to primary prevention to tackle the roots of radicalization processes, national action focuses in particular on

- integration policy
- and
- civic education and the activation of civil society.

Germany's fight against terrorism includes civilian measures on preventing terrorism at national and bilateral level. The dialogue with reform forces in Islamic countries has been stepped up with the long-term aim of supporting the development of a civil society and democratic structures in Islamic countries at risk from terrorism. Germany has thus made a considerable commitment in terms of personnel, funds and material to finding a lasting peace settlement in Afghanistan and to the consolidation of Afghanistan's civil society. In particular, this includes German assistance in the development of the police force in Afghanistan

In the sphere of organization, the establishment of a Joint Counter-Terrorism Centre (GTAZ) in December 2004 should be highlighted. In this Centre, all relevant security authorities work

together continuously and intensively to counter Islamist terrorism, in particular by assessing risks, exchanging operative information, evaluating cases and analysing structures. This ensures the smooth flow of information between all relevant authorities and pools the expertise of all agencies in the Federal Republic of Germany which deal with security issues.

Following the positive experience, the Joint Centre against Right-Wing Extremism and Terrorism (GAR) was established in December 2011, modelled on the GTAZ. In November 2012, it was extended to include the spheres of left-wing and foreign extremism and terrorism, as well as espionage and proliferation, and re-named the Joint Centre for Countering Extremism and Terrorism (GETZ).

Furthermore, the Joint Internet Surveillance Centre (GIZ) was established. There the specialist and technical expertise, including the language skills and background knowledge, of all authorities involved is pooled and relevant Internet content is monitored with a view to spotting extremist and terrorist activities at an early stage.

Furthermore, a national situation and command centre “security in airspace” has been set up in which the tasks “air defence”, “flight safety” and “aviation security” are integrated in order to identify terrorist risks from the air in good time and to initiate countermeasures without delay. An integrative organization has also been established to guard the coasts.

Moreover, there is a special unit at Federal level to tackle threats caused by offences involving radioactive materials in which interdisciplinary expertise as well as material resources of the Federation’s police forces and of radiation experts are integrated.

Parliament has also improved the instruments used to combat terrorism by adopting a comprehensive strategic approach in a series of points, especially in the following legal spheres:

Extension of criminal liability:

Gesetz zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten (GVVG – Act on prosecuting the preparation of serious acts of violent subversion) of 30 July 2009:

Certain concrete preparatory acts, for example training in terrorist camps, the production of weapons, the procurement of hazardous substances and the financing of attacks are punished if the perpetrator is preparing a serious act of violent subversion. Establishing or maintaining

contact with a terrorist organization in order to train for a serious act of violent subversion was also made a punishable offence. Disseminating or commending texts which, due to their content, could provide instructions for a serious act of violent subversion is also punishable if such instructions are disseminated in such a way that they foster or provoke the readiness of others to commit such an act. Accompanying provisions: failure to report planned offences, criminal liability for money laundering, supplementary passport and foreigners' law sanctions.

34th Criminal Law Amendment of 22 August 2002:

The crime of formation of terrorist organizations was extended to organizations abroad; at the same time, the extended forfeiture and extended prerequisites for confiscation of unlawfully gained assets in case of terrorist crimes were made possible.

Act of 22 December 2003 Implementing the EU Framework Decision on Combating Terrorism:

The list of crimes which qualify a criminal organization as a terrorist one was extended, the sentencing range for supporters raised. The term terrorist organization was, in some aspects, broadened to include new criteria.

Suppression of the financing of terrorism:

34th Criminal Law Amendment of 22 August 2002:

Extension of the list of predicate offences concerning money laundering to include support for terrorist organizations and offences committed by a member.

Second Act Amending the Customs Administration Act (Zollverwaltungsgesetz) of 31 October 2003:

Standard rules, in particular on freezing assets in the sphere of credit and financial services institutes.

Act Amending the Counter-Terrorism Act (TBEG) of 5 January 2007:

With the Act Amending the Counter-Terrorism Act (TBEG) of 5 January 2007, in force from 11 January 2007, the existing restrictions on cross-border cash movements were extended to cases of terrorism financing with the introduction of Section 12a paragraph 2a of the Customs Administration Act (ZollVG) (now Section 12a paragraph 4a of the ZollVG).

Act on the Detection of Proceeds from Serious Crimes (Money Laundering Act – Geldwäschegesetz) of 13 August 2008:

Use of the instruments which have proved their worth in the fight against money laundering (obligations pertaining to identification, retainment and suspicious transaction reports on the part of credit and financial institutes and others; responsibility of the central Financial Intelligence Unit for suspicious transaction reports) to combat the financing of terrorism. The redrafted Money Laundering Act was adopted on 13 August 2008 (Federal Law Gazette I, p. 1690) and most recently amended by Article 1 of the Act on 18 February 2013 (Federal Law Gazette I, p. 268). Among other things, implementation of the Third EC Directive on the Prevention of the Use of the Financial System for the Purpose of Money Laundering and Terrorist Financing (Third Money Laundering Directive) was effected through this Act (first ever legal definition of terrorist financing; extension of existing instruments on combating money laundering to include combating terrorist financing, e.g. the widening of the obligation to report suspicious transactions).

Fourth Financial Market Promotion Act (4. Finanzmarktförderungsgesetz) of 21 June 2002:

Automated retrieval system for core data about accounts, in particular for freezing assets and prosecution.

Gesetz zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten (GVVG – Act on prosecuting the preparation of serious acts of violent subversion) of 30 July 2009:

Criminal liability for gathering, accepting or making available substantial assets for the preparation of a serious act of violent subversion.

Extension and adaptation of intelligence tasks/powers:

Counter-Terrorism Act of 9 January 2002:

New surveillance task for the Federal Office for the Protection of the Constitution and the Military Counterintelligence Service with regard to efforts directed against international understanding; new powers on information acquisition for the Federal Office for the Protection of the Constitution on post box holders, postal traffic and flight movements, as well as on financial transactions for the Federal Office for the Protection of the Constitution and the Federal Intelligence Service, and on telecommunication links and teleservices data for the Federal Office for the Protection of the Constitution, the Federal Intelligence Service and the Military Counterintelligence Service; enhanced cooperation between the Federal Office

for the Protection of the Constitution on the one hand and the foreigners offices and the Federal Office for Migration and Refugees on the other (extended reporting obligations).

Act on Joint Databases of 22 December 2006:

The central counter-terrorism database set up under this Act (Article 1) will make it possible to quickly locate information in the possession of the police and intelligence services on persons with connections to international terrorism and the extremism which feeds it. In addition to basic background information, the database will contain information which allows experts to assess the threat associated with persons on file. This “expanded background information” is released on request by the authority which collated it on a case-by-case basis, taking into account the relevant provisions on transmission. Only in an emergency can it be used to take immediate action in order to prevent terrorist attacks. As well as setting up the counter-terrorism database, the Act creates the legal basis for shared files related to specific projects (project files). The police and intelligence services may set up joint project files as needed for specific projects. The project files are temporary and are intended in particular to assist with analysis projects and support the working groups of the police and intelligence agencies in the Joint Counter-Terrorism Centre (GTAZ).

Act Amending the Counter-Terrorism Act (TBEG) of 5 January 2007:

The Act Amending the Counter-Terrorism Act implements the conclusions drawn from an extensive evaluation of the Counter-Terrorism Act of 9 January 2002. The security authorities will keep their tried and tested powers for another five years, but these powers will be better adapted to practical needs and the current requirements of counter-terrorism. Following the entry into force of the Act on 10 January 2007, the Federal Office for the Protection of the Constitution is now entitled to use its rights of information also to investigate anti-constitutional activities which so far have not been recorded and which encourage the use of violence. It also facilitates the access of the Federal Office for the Protection of the Constitution to airline information about flights booked by suspicious persons.

Act Amending the Federal Act on the Protection of the Constitution (BVerfSchG) of 7 December 2011:

A re-evaluation of the Counter-Terrorism Act (TBG) and the Act Amending the Counter-Terrorism Act (TBEG) led to amendments being made to the Federal Act on the Protection of the Constitution (BVerfSchG), which entered into force on 11 January 2012. Powers of the security authorities which were not used to combat terrorism in the evaluation period and proved to be unnecessary were scrapped (e.g. data on subscriber information relating to the

use of post services and teleservices). The relevant material threshold for intervention was raised in relation to the rights of information retained by the intelligence services. The Federal Office for the Protection of the Constitution, the Federal Intelligence Service and the Military Counterintelligence Service were, for the first time, granted the power to retrieve information on standing data from the Federal Central Tax Office. In addition, regulations on security checks in the sphere of preventive personnel counter-sabotage protection were adapted to practical requirements.

34th Criminal Law Amendment of 22 August 2002:

Extension of telecommunications surveillance by the intelligence services within Germany to include foreign terrorist organizations.

First Act Amending the Act to Restrict the Privacy of Correspondence, Posts and Telecommunications (G 10 Act) of 31 July 2009:

Adaptation of the provisions on security checks on the relevant personnel of telecommunications companies; adaptation in line with recent decisions by the Federal Constitutional Court on the core area of private life and on dealing with persons entitled to refuse to testify on the grounds of their profession; automatic comparisons of all recorded uses of means of telecommunication with telephone number/identification lists; rules on passing on information to foreign partner services; further adaptations in line with G 10 measures; saving of data on minors under the age of 16 by the Federal Office for the Protection of the Constitution and the Federal Intelligence Service under special circumstances; obligation of tax offices to supply information to the Federal Office for the Protection of the Constitution on the non-profit status (with regard to taxes) of organizations.

Other means of investigation:

Telecommunications Act (TKG) of 22 June 2004:

Data collection and storage by companies for inquiries submitted by the security authorities, also in the case of prepaid products where data is not required for internal purposes.

Act on Prevention by the Bundeskriminalamt of Threats from International Terrorism of 25 December 2008:

Granting of preventative powers to combat the dangers of international terrorism in cases where there is a nationwide threat, where there is no clear jurisdiction of one Land (Federal state) police force or where the supreme Land authority requests the matter be dealt with by

the Bundeskriminalamt (Federal Criminal Police Office). Within the scope of this task, the Bundeskriminalamt may also take action to prevent certain crimes being committed.

Law Governing Private Associations:

First Act Amending the Law Governing Private Associations of 4 December 2001:

Abolition of the “privilege for religions” (previously the Law Governing Private Associations – including the regulations on bans – did not apply to religious associations).

Counter-Terrorism Act of 9 January 2002:

Extension of the grounds for banning associations of foreigners and foreign organizations to better prevent violent or terrorist organizations receiving organized support.

Act Amending the Counter-Terrorism Act (TBEG) of 5 January 2007:

The amendment of the Law Governing Private Associations will prevent extremist associations from getting round the consequences of a ban on their association, in particular the complete destruction of the organization and the loss of the association’s assets, by forming an incorporated company.

Explosives legislation:

Act Amending the Explosives Act and other provisions of 23 June 1998:

Introduction of the compulsory marking of plastic explosives.

Third Act Amending the Explosives Act of 15 June 2005:

Adaptation of the background check of the holder of the permit to meet the requirements of weapons law, standardized transfer document, tightening of the registration regulations.

Fourth Act Amending the Explosives Act of 17 July 2009:

Implementation of the amended Technical Annex to the Convention of 1 March 1991 on the Marking of Plastic Explosives for the Purpose of Detection.

Implementation of Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses; further adjustment of the provisions to monitor reliability.

Weapons law:

Act to Reform German Weapons Law of 11 October 2002:

Widening of the circumstances in which a person may be deemed too unreliable to possess a firearm to include, for example, any actions contrary to the constitutional order or the concept of international understanding, in particular the peaceful co-existence of peoples.

Act Amending the Weapons Act and other provisions of 26 March 2008:

Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, New York, 31 May 2001 (UN Firearms Protocol), as well as of the UN Resolution of 8 December 2005 (A/RES/60/81) on the application of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

Implementation of Directive 2008/51/EC amending Directive 91/477/EEC on control of the acquisition and possession of weapons.

Fourth Act Amending the Explosives Act of 17 July 2009:

Obligation to create a National Weapons Register by 31 December 2012.

Implementation of Regulation (EU) No. 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), and establishing export authorization, and import and transit measures for firearms, their parts and components and ammunition.

Foreigners law:

Counter-Terrorism Act of 9 January 2002:

Enhanced prevention of the entry into Germany of terrorists by extending the ban on entry, statutory involvement of the security authorities in the examination of problematic visa cases and extended/enhanced measures to establish identity by way of the forthcoming introduction of biometric features (fingerprints and photograph) in passport substitute documents (implemented by way of the fourth ordinance amending the Ordinance Governing Residence of

22 April 2009) as well as in Schengen visas (implementation of Regulation (EC) No. 767/2008 concerning the Visa Information System since 11 October 2011); easier expulsion; improved central registration of visas.

Immigration Act of 30 July 2004:

Tighter rules on regular expulsion on the grounds of support for a terrorist organization (not only “international terrorism”, less stringent rules on the evidence on which the expulsion is based; regular expulsion of heads of banned associations); expulsion of intellectual instigators made possible; deportation in cases of a terrorist threat made easier (deportation order without prior notice); inter alia, legal protection only in one court (Federal Administrative Court); in the case of an enforceable expulsion or deportation order due to a terrorist link, enhanced security by way of – in the event of repeated violations – an obligation to register (non-compliance being a punishable offence), restrictions on the freedom of movement and ban on using means of communication; regular inquiry to the security authorities before naturalization is approved.

Gesetz zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten (GVVG – Act on prosecuting the preparation of serious acts of violent subversion) of 30 July 2009:

Regular expulsion, in so far as the facts indicate that a foreigner is preparing, or prepared, a serious act of violent subversion, as defined by Section 89a of the Criminal Code.

Law regarding expelled persons:

Seventh Act amending the Federal Expellees Act of 16 May 2007 (Federal Law Gazette I, p. 748):

Involvement of the intelligence services in checking for potential reasons for refusal is provided for not only in the visa procedure but also once again after the entry into Germany of the repatriates and their families before the certificate confirming German nationality is issued.

Enhanced protection against sabotage:

Counter-Terrorism Act of 9 January 2002:

Background screening for employees in security-sensitive positions in vital and defence-relevant institutions (Section 34 of the Security Clearance Check Act (SÜG) in combination with the Security Clearance Check Identification Ordinance (SÜFV) of 9 August 2003).

First Amendment of the Security Clearance Check Identification Ordinance of 17 October 2005 and Second Amendment of the Security Clearance Check Identification Ordinance of 12 September 2007 extending the definition of vital spheres.

Aviation security:

Counter-Terrorism Act of 9 January 2002:

Extension of background checks to include new occupations; presence of armed in-flight security officers from the Federal Police.

Act on Aviation Security of 11 January 2005:

Legislative basis to deal with renegade cases (when an aircraft is used as a weapon – as on 11 September 2001; the regulations on the use of firearms against aircraft were repealed by the Federal Constitutional Court on 15 February 2006); rules on background checks (involvement of the security authorities).

Obligation of the security authorities to carry out follow-up checks if information of relevance to security subsequently becomes known about those who have already undergone a background check.

Regulations governing Security Background Checks including Criminal History Checks of 23 May 2007:

Detailed regulations on carrying out background checks.

Maritime security:

Ratifying law of 22 December 2003 and implementing law of 25 June 2004 on amendments to the SOLAS Convention of December 2002 (preventive protection of shipping from terrorist attacks: systematic assessment of risks; security levels; network of security alert systems; appointment of security officers; elaboration of security plans; exercises).

Regulation on security measures for sea-going ships (Verordnung zur Eigensicherung von Seeschiffen zur Abwehr äußerer Gefahren) of 19 September 2005, Federal Law Gazette I, p. 2787.

Germany is currently preparing the ratification of the Protocol of 14 October 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 10 March 1988 as well as the Protocol amending the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988.

Tax law:

Amended version of Section 51 (3) of the Fiscal Code through the 2009 Annual Tax Law of 19 December 2008 (Federal Law Gazette I, p. 2794):

If a company is pursuing tax-privileged purposes, the resulting tax privilege will only be granted if the company's articles of association and its actual conduct of business do not foster endeavours as defined by Section 4 of the Federal Act on Protection of the Constitution and are not contrary to the idea of international understanding. If companies are listed as extremist organizations in a report on the protection of the constitution at Federal or Land level, there shall be a refutable assumption that the tax privilege cannot be granted. Furthermore, the fiscal authority conveys to the constitutional protection agency any facts which give grounds for suspicion of endeavours as defined by Section 4 of the Federal Act on Protection of the Constitution or of acts in contravention of the idea of international understanding.

A tax privilege granted in connection with the non-profit nature of an organization shall be excluded if the organization is unconstitutional.

2. Stationing of armed forces on foreign territory

Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Armed forces of the German Bundeswehr are currently stationed permanently in numerous NATO member states, for instance the US, France, Italy and Turkey. The stationing of troops required the consent of the host nation. Rights while troops are stationed (rights and

obligations of the Bundeswehr and its personnel, including family members) in NATO member states derive from the NATO Status of Forces Agreement (SOFA) of 19 June 1951, as well as from other agreements.

The armed forces of the German Bundeswehr are also stationed within the scope of international peacekeeping missions in the OSCE member states Cyprus and Uzbekistan.

(a) In Limassol, Cyprus, a German liaison team is supporting the German units deployed in the UN operation UNIFIL. Cyprus entered into a visiting forces agreement with the UN on 25 February 2008 and with the Federal Republic of Germany on 16 October 2006.

(b) In Termez (Uzbekistan), German troops are operating an air transport base. They support German forces deployed in the UN-mandated ISAF operation.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The importance of arms control to the Federal Republic of Germany is set forth in the 2006 White Paper on the Security of the Federal Republic of Germany and the Situation and Future of the Bundeswehr –

“Arms control, disarmament and non-proliferation, as well as a restrictive arms export policy remain key elements of Germany’s security policy, which is aimed at conflict prevention.”

Chapter 2.4 of this White Paper deals expressly with the OSCE and its importance vis-à-vis the role of confidence- and security-building as well as security in Europe. In order to underscore this engagement, Germany submits all OSCE reports requested in full each year.

To ensure that Germany fulfils its obligations, there are various interministerial task forces – mostly chaired by the Federal Foreign Office and with participants from the Federal Ministry of Defence and, if necessary, further ministries. Within the Federal Foreign Office, all disarmament and arms control issues are dealt with by the competent Directorate-General. Within the Political Directorate-General of the Federal Ministry of Defence, there is a division responsible for all issues connected with arms control.

Furthermore, Germany established the Federal Armed Forces Verification Centre in April 1991. In general, the Centre ensures that the Federal Republic of Germany's rights and obligations under international agreements in the spheres of arms control, confidence-/security-building, disarmament and non-proliferation are respected and fulfilled. The Centre's work plays an important role in Germany's security policy.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

The Federal Republic of Germany is a State Party to the Treaty on Conventional Armed Forces in Europe (CFE Treaty) concluded in 1990 between the then states of NATO and the Warsaw Pact. It was intended to create a secure and stable balance of conventional armed forces at a low level and to eliminate their capability to launch large-scale offensives in Europe. To this end, the Treaty limits the number of heavy conventional weapons systems and also fosters mutual trust by having states notify one another in detail of their relevant holdings and host on-site inspections so that notifications can be verified. By the mid-nineties, the reductions required by the Treaty had resulted in the destruction of some 60,000 heavy weapons systems in Europe. Greater transparency and enhanced cooperation between the armed forces also increased mutual trust. The CFE Treaty thus played a major part in ending the arms build-up in Europe and reducing military tensions in the turbulent years following the end of the Cold War.

Germany views conventional arms control in Europe as a central and indispensable part of any reliable European security architecture even now that the confrontation between the two blocs is over. However, it requires comprehensive and profound adjustments to developments in security policy and military technology since 1990. Germany is therefore pressing for a comprehensive reorientation in conventional arms control in Europe which takes account of current military and security developments, contributes towards regional stabilization and thus strengthens security, stability, predictability and mutual confidence.

As in previous years, in 2012 Germany demonstrated its commitment to conventional disarmament and arms control in Europe by implementing all its obligations under the Treaty. Within the framework of tried and tested bilateral and multinational cooperation, Germany has assisted States Parties in implementing the CFE Treaty beyond the scope required by the Treaty by providing instructors and agreeing on additional inspections.

The Federal Republic of Germany signed the Vienna Document on Confidence- and Security-Building Measures (CSBM). It provides for an annual exchange of military information about armed forces (including planning the commissioning of major weapons systems and equipment) as well as about defence planning. Furthermore, the Vienna Document contains provisions stating under which conditions prior notice has to be given of certain military activities. Such military activities are subject to observation above a prescribed volume of troops and combat equipment. Regular inspections and evaluation visits (verification part) mean that the notified information can be checked on the ground. The participating states adopted an updated Vienna Document in November 2011. The German Government believes that this amendment is a first – but still inadequate – step towards modernizing this instrument. It is therefore calling for further substantial modernization and for the Vienna Document to be adapted in line with current security, technological and military developments.

The increased transparency of armed forces remains a key German concern. The basis for this is the annual exchange of information within the scope of the Vienna Document which, on the one hand, contains valuable information on armed forces structures and, on the other, provides the basis for verification measures which have to be carried out. Germany is seeking to have the exchange of information extended to units which are currently not covered by the Vienna Document, non-combat units, which are relevant for assessing the actual capabilities of armed forces. To this end, Germany circulated its own draft decision (Doc FSC.DEL/63/12 of 24 May 2012) in May 2012 in the OSCE Forum for Security Co-operation (FSC).

Furthermore, it is very important to Germany that the provisions of the Vienna Document are implemented rigorously and in full. Also in 2012, therefore, Germany assisted the efforts of other OSCE participating states in implementing arms control measures through exchanges of experience, meetings of experts, as well as the training of verification personnel. Furthermore, Germany was the only participating state to invite the other OSCE participating states to visit Germany (Chapter IV of the Vienna Document) in April 2012. Visitors from 33 OSCE participating states took part in the three events planned – a visit to a military airfield and one to a military facility as well as a demonstration of new types of major weapons systems and equipment. Furthermore, Germany sends instructors to the NATO school in Oberammergau on a regular basis.

In contrast to previous years, at the OSCE summit in Dublin in December 2012 no joint decision could be adopted on the work of the Forum for Security Co-operation, the main forum for further developing the Vienna Document. Together with its EU partners, Germany expressed its disappointment about this in a joint statement on 7 December 2012. For the

German Government, the mandate to the FSC outlined in the summit declaration of the OSCE Heads of State and Government in Astana in December 2010 continues to be the benchmark. It still says “Conventional arms control and confidence- and security-building regimes remain major instruments for ensuring military stability, predictability and transparency, and should be revitalized, updated and modernized”. The German Government will thus continue this year to call for the substantial further development of the Vienna Document.

The Treaty on Open Skies (OS), which was signed in 1992 and entered into force in 2002, is a key instrument of cooperative security- and confidence-building. It allows its 34 member states to conduct observation flights unhindered in its Northern Hemisphere area of application (“from Vancouver to Vladivostok”) and defines the sensors to be used. The OS Treaty plays an important role in improving transparency and is an integral part of cooperative arms control and the security architecture in the Euro-Atlantic area. In addition to gaining new military insights, another purpose of the OS Treaty is to further strengthen confidence and transparency by means of joint missions between the observing and the observed states.

All participating states recognize the importance of this Treaty for security policy in Europe and reaffirmed their joint and continued support most recently at the Second Conference of States Parties held in Vienna in 2010. However, it also became clear that the States Parties, not least on budgetary grounds, must strive to achieve greater cost-saving synergies, especially in the joint use of observation aircraft and sensor technology. Germany does not have any OS observation aircraft of its own. However, it plays its part by renting aircraft from other nations, as well as by carrying out missions with so-called share partners to implement the OS Treaty and is thus able to comply with its Treaty obligations in full. During the period under review, Germany made active contributions in the Open Skies Consultative Commission, for example by submitting a proposal on the establishment of a working group on the shared use of aircraft or institutions (informal working group on “Shared Assets”, or as a member of the intergovernmental working group “Sensors”, where Germany has actively supported the drafting of procedures on the authorization and use of digital aerial cameras.

Furthermore, on behalf of the Federal Foreign Office and the Federal Ministry of Defence, the Bundeswehr Verification Centre (ZVBw) provided support in the form of basic and further training for other OS States Parties in Germany.

With a view to fostering regional arms control in South-East Europe, the Federal Government continues to support – both in the form of personnel and equipment – the implementation of

the Dayton Peace Agreement (Annex 1-B “Regional stabilization”) of 21 November 1995 on the peace negotiated between the warring parties in the former Yugoslavia, inter alia by seconding personnel to the Personal Representative of the OSCE Chairman-in-Office for Article IV in Vienna. Responsibility for the implementation of the Agreement is gradually being handed over to the four contracting parties.

The Bundeswehr Verification Centre provided support for reciprocal inspections within the region under the Article IV Agreement once again in 2012.

In accordance with Article V of Annex 1-B of the Dayton Peace Agreement, in 2001 a politically binding Final Document was concluded on regional stabilization which envisages confidence- and security-building measures on a voluntary basis for the states of the Balkan region. In 2012, Germany continued to support the implementation of the Final Document by states in the region, inter alia by cooperating on mutual inspection visits as well as by providing personnel and financial support for the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC).

In 2011 crucial steps were taken towards handing over responsibility for RACVIAC to the countries in the region. On 1 December 2011, a multilateral agreement signed by the states in the region entered into force. This agreement established RACVIAC as the regional forum for dialogue on security issues and replaced the German-Croatian bilateral agreement as the legal basis for the work of RACVIAC.

The Ottawa Convention, which entered into force in 1999, is the key treaty on the global prohibition of anti-personnel mines (APMs) and is thus also a milestone in international humanitarian law. Germany actively fostered from the outset the drafting, implementation and universalization of this international instrument and plays a prominent role in the international events in this connection (most recently the 12th Conference of States Parties in Geneva in December 2012).

The Convention on Cluster Munitions, known as the Oslo Convention, which Germany ratified on 8 July 2009, is a milestone in the development of international humanitarian law. Germany led the way in the efforts to bring about an effective ban on cluster munitions and began to destroy its stocks back in 2001. Around 352,000 pieces of cluster munitions and more than 34 million explosive sub-munitions have now been destroyed, around two thirds of the original stockpiles. The destruction is due to be completed by the end of 2015. From the outset, Germany has played a key role in the diplomatic efforts to bring about an international

ban on cluster munitions. The German Government is actively engaged in the events connected to the Convention (most recently the 3rd Conference of States Parties in Oslo in September 2012) and is campaigning worldwide for its universalization.

Having become one of the world's largest and most reliable donors, Germany has lived up to its prominent role in the implementation and universalization of the Ottawa and Oslo Conventions. Since 1992, the German Government has provided around 224 million euros for projects across the world in the field of humanitarian mine and ordnance clearance. These projects are funded where explosive remnants of war pose a particular humanitarian problem or hinder a country's social and economic development. In total, the Federal Foreign Office provided 18.3 million euros for 45 projects in 24 countries in 2012. This represents an increase of around 2.7 million euros compared to the previous year. At the Conferences of States Parties, Germany was commended for this and for its transparent actions in connection with the ordnance found in the former Soviet military training area in Wittstock.

The Federal Republic of Germany has concluded agreements with UNMAS (United Nations Mine Action Service) as well as GICHD (Geneva International Centre for Humanitarian Demining) which include the provision of military expertise. The technical and strategic advice provided by Germany in this context is helping to improve security and stability in the OSCE area.

In 2012, the control of small arms and light weapons, including their ammunition, continued to be another focus of the Federal Government's efforts in the conventional arms sphere. Inter alia, Germany is actively involved in the normative work of the OSCE Forum for Security Co-operation, e.g. by working on the drafting of practical implementation guidelines for the OSCE Documents on Small Arms and Light Weapons and on Stockpiles of Conventional Ammunition, and participates on a regular basis in assessment visits, further training and other project activities in the OSCE area. In 2012, rehabilitation measures for the ammunition storage depot in Brezovik, Montenegro, the procurement of saw blades for destroying ammunition in Albania and the destruction of napalm powder in Serbia were funded.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

Preliminary remarks

The tasks of the Bundeswehr are determined by the mandate and objectives of German security and defence policy in line with the provisions of the Constitution.

- Determination/approval of military posture

In accordance with the second sentence of Article 87a (1) of the Basic Law, the numerical strength of the German armed forces and their general organizational structure must be shown in the budget, which is approved by the German Bundestag as part of the Budget Act. This reflects the primacy of politics and the democratic control of the armed forces. In addition, the Federal Government and the Federal Minister of Defence determine the necessary political and planning requirements through relevant documents, which are the binding basis for Bundeswehr planning. These documents, such as the Defence Policy Guidelines or the Bundeswehr Concept, are prepared or updated as required.

- Determination/approval of defence expenditures

Apart from the Federal Republic of Germany's general budgetary provisions, neither specific departmental nor other special rules apply to the defence budget. Just like any other individual plan within the Federal budget, it is drawn up annually under the auspices of the Federal Ministry of Finance, approved by the Federal Cabinet and subsequently adopted by the German Bundestag within the framework of the draft Budget Act. The volume of the Federal budget – and thus also of the defence budget – is ultimately determined by the Federation's expected revenue, if necessary taking into consideration the borrowing requirement which, in turn, is subject to constitutional limits. In line with the European Stability and Growth Pact, the Basic Law provides that the budget must be balanced excluding revenue from loans and only allows a structural deficit of 0.35% of GDP.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

With the obligation to maintain peace, to establish a united Europe (Article 23), to respect and strengthen international law, which is an integral part of German law (Article 59 (2) and Article 25), to settle disputes peacefully and to enter into a system of mutual collective security (Article 24 (2)), the Basic Law of the Federal Republic of Germany provides reference points of continued validity. Furthermore, Article 26 (1) of the Basic Law stipulates that acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression, are unconstitutional. Moreover, Germany's security policy is multilateral in outlook and thus Germany protects its security interests first and foremost in international and supranational institutions.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

(cf. 2.2 below)

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

Armed forces

In general, the German Bundestag exercises parliamentary control over the other state organs, in particular the Government. For example, Parliament has the right to demand the appearance of any member of the Federal Government (e.g. the Federal Minister of Defence) – (Article 43 (1), Basic Law). This includes an obligation to account for their actions in Parliament. Furthermore, the German Bundestag can establish committees of inquiry (Article 44, Basic Law). Parliament's other rights are contained in the Rules of Procedure of the German Bundestag (e.g. minor or major interpellations).

Owing to historical experience, the Bundeswehr is subject to special constitutional control mechanisms. For example, Article 87a (1) of the Basic Law stipulates that the numerical strength and general organizational structure of the armed forces must be shown in the budget, which is set by way of an act by the German Bundestag (Article 110, Basic Law).

Article 87a (2) of the Basic Law establishes a reservation under the constitution regarding the deployment of armed forces by stipulating that except for defence reasons they may be employed only to the extent expressly permitted by the Basic Law. Furthermore, the German Bundestag determines the state of tension (Article 80a, Basic Law) and, with the consent of the Bundesrat, the state of defence (Article 115a, Basic Law). Parliamentary participation in planning for the state of defence is ensured through the Joint Committee (Article 53a, Basic Law). Any deployment of the armed forces ordered by the Federal Government in order to avert an imminent danger to the existence or free democratic basic order of the Federation or of a Land is to be discontinued if the German Bundestag or the Bundesrat so demand (Article 87a (4), Basic Law). Under Article 45a (1) of the Basic Law, the German Bundestag is obliged to appoint a Committee on Foreign Affairs and a Committee on Defence at the start of each legislative term. These committees are permanent bodies and cannot be dissolved. In accordance with Article 45a (2) of the Basic Law, the Committee on Defence, which supports and prepares parliamentary action and is intended to ensure greater parliamentary control of the armed forces and Government activities in the military sphere, also has the rights of a committee of inquiry. Furthermore, the German Bundestag appoints a Parliamentary Commissioner for the Armed Forces (Wehrbeauftragter) in order to safeguard the fundamental rights of soldiers and to assist the Bundestag in exercising parliamentary control (Article 45b, Basic Law). The Parliamentary Commissioner for the Armed Forces is, for example, entitled to demand from the Federal Minister of Defence and all agencies under him information and access to documents and to request reports on the exercise of the disciplinary powers within the armed forces. He can visit Bundeswehr units, staff, offices and authorities at any time and without making a prior appointment. Every member of the armed forces is entitled to contact the Parliamentary Commissioner directly.

In accordance with the decision of the Federal Constitutional Court of 12 July 1994 (BVerfGE 90, 286 ff.), the Federal Government must seek the prior consent of the German Bundestag for each deployment of German armed forces abroad. The form and scale of the German Bundestag's participation in the deployment of German armed forces abroad is governed by the Parliamentary Participation Act of 18 March 2005 (Federal Law Gazette I, p. 775). Moreover, in its rulings of 7 May 2008 (2 BvE 1/03) and of 13 October 2009 (2 BvE 4/08), the Federal Constitutional Court also refined the conditions under which the deployment of German troops abroad always requires the prior or, if necessary, renewed approval of the German Bundestag.

Paramilitary forces

There are no paramilitary forces in the Federal Republic of Germany.

Internal security forces

Cf. the sections on the intelligence services and police.

Intelligence services

All intelligence services of the Federal Republic of Germany are subject to oversight by the German Bundestag. To this end, the Parliamentary Control Panel was established in accordance with Article 45d of the Basic Law; it meets regularly and receives comprehensive information on the work of the intelligence services and on matters of special importance. Details on membership, powers and information are contained in the Act Governing the Parliamentary Control of Intelligence Activities by the German Federation (PKGrG, originally contained in the Federal Law Gazette 1978 I, p. 453, most recently amended version contained in Federal Law Gazette 2009 I, p. 2346). If the personal freedoms enshrined in Article 10 of the Basic Law are to be restricted (privacy of correspondence, posts and telecommunications), the so-called G 10 Commission examines the reliability and necessity of the restrictions in advance (Article 10 Act, Federal Law Gazette 2001 I, p. 1254, 2298, most recently amended version contained in Federal Law Gazette 2011 I, p. 2576). With regard to the collection and processing of personal data, control is exercised by the Federal Commissioner for Data Protection and Freedom of Information (cf. the Data Protection Law – BDSG – Federal Law Gazette 1990 I, p. 2954, now Federal Law Gazette 2003 I, p. 66 – most recently amended version contained in Federal Law Gazette 2009 I, p. 2814). In addition, control of the activities of the intelligence services is exercised via the right to obtain information for those affected laid down by law and, in general, the courts. Oversight of the intelligence services at Land level is structured in a similar way.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Armed forces

The tasks and powers of the German armed forces are defined in the Basic Law of the Federal Republic of Germany. Accordingly, since the decision on rearmament and the corresponding amendment to the Basic Law in 1956, the armed forces have had the constitutional mandate of territorial and alliance defence against a military attack (Article 87a, Basic Law). Once a

state of defence (Article 115a, Basic Law) or a state of tension (Article 80a, Basic Law) has been determined by the German Bundestag (in the case of Article 115a of the Basic Law with the consent of the Bundesrat), the domestic tasks of the armed forces will be extended (Article 87a (3), Basic Law): they will then have additional powers to protect civilian property against attacks by non-combatant provocateurs and to discharge traffic control functions to the extent necessary to accomplish their defence mission.

Due to a further amendment to the Basic Law as a result of the so-called emergency debate in 1968, in case of an “internal emergency” the armed forces may – upon decision of the Federal Government – also be deployed to support the police and the Federal Police in protecting civilian property and combating organized and militarily armed insurgents, if the police and the Federal Police are not able to perform this task (Article 87a (4) and Article 91, Basic Law). The prerequisite for this is any imminent threat to the existence of the Federal Republic of Germany, one of the Länder or its free democratic basic order. Whenever the German Bundestag or the Bundesrat so demand, such a deployment of the armed forces must be stopped immediately.

Finally, based on a decision of the Federal Constitutional Court of 1994 (BVerfGE 90, p. 286), armed forces may participate in multinational peacekeeping missions to the extent that these are implemented within the framework and according to the rules of a system of mutual collective security (e.g. United Nations, NATO) (Article 24 (2), Basic Law). The Federal Government is obliged to obtain the prior consent of the German Bundestag for any such participation. The details are governed by the Parliamentary Participation Act of 18 March 2005 (Federal Law Gazette I, p. 775).

In addition to these cases, upon request of one of the Länder (Article 35 (2) sentence 2, Basic Law), the armed forces, alongside other forces and institutions, may be deployed in the event of a natural disaster or an especially grave accident. In cases where a natural disaster or accident endangers a region larger than one Land, the Federal Government may, in so far as this is necessary to deal with the danger effectively, deploy armed forces to support the police. The deployment must be stopped immediately if the Bundesrat so demands or as soon as the danger is under control (Article 35 (3), Basic Law).

Under Article 35 (1) of the Basic Law, all Federal and Land authorities render each other legal and administrative assistance. Based on this article, armed forces may lend assistance to other authorities on request, in so far as this assistance does not involve any sovereign powers

of intervention (technical administrative assistance, e.g. accommodating the police in barracks). In all cases of administrative assistance as defined in Article 35 of the Basic Law, the armed forces will take action on a subsidiary basis and only at the request of the authorities responsible for dealing with the threat (either at Land or Federal level).

Paramilitary forces

There are no paramilitary forces in the Federal Republic of Germany.

Internal security forces

Cf. the sections on the intelligence services and police.

Intelligence services

The Office for the Protection of the Constitution, the Federal Intelligence Service and the Military Counterintelligence Service are responsible for ensuring internal and external security in the Federal Republic of Germany at Federal level, while the Länder Offices for the Protection of the Constitution, among others, are responsible at Land level. In Germany, intelligence services must not be affiliated to any police authority and must not exercise any police duties.

The Federal Office for the Protection of the Constitution is subordinate to the Federal Minister of the Interior and, in cooperation with the Länder Offices for the Protection of the Constitution, performs the tasks of a central agency at Federal level. Its main task is to collect and assess information on extremist activities by German nationals and foreigners which pose a security risk and are contrary to the concept of international understanding, as well as on the activities of hostile intelligence services. The legal basis is the Act Regulating the Cooperation of the Federal Government and the Länder in Matters Relating to the Protection of the Constitution and on the Federal Office for the Protection of the Constitution (BVerfSchG, originally contained in the Federal Law Gazette 1950 I, p. 682, now Federal Law Gazette 1990 I, p. 2954, 2970, most recently amended version contained in the Federal Law Gazette 2011 I, p. 2576).

The Federal Intelligence Service is subordinate to the Federal Chancellery. It gathers relevant information about other countries of importance to the foreign or security policy of the Federal Republic of Germany and evaluates it. The legal basis is the Act on the Federal Intelligence Service (BNDG, Federal Law Gazette 1990 I, p. 2954, 2979, most recently amended version contained in the Federal Law Gazette 2011 I, p. 2576).

The Military Counterintelligence Service is subordinate to the Federal Minister of Defence. It is part of the armed forces; its task, similar to that performed by the Office for the Protection of the Constitution, is to help ensure the operational readiness of the armed forces. Its tasks and powers are regulated by the Act on the Military Counterintelligence Service (MADG, Federal Law Gazette 1990 I, p. 2954, 2977, most recently amended version contained in the Federal Law Gazette 2011 I, p. 2576).

Police

Under Article 30 of the Basic Law, the police and police law, including organizational matters, are in principle incumbent on the Länder. In all Länder, the Minister of the Interior (Senator for the Interior) of the Land is charged with administrative, functional and legal control over the police. The Basic Law grants the Federation prime responsibility for central areas of the police which is assumed by the Federal Police – known as the Federal Border Police until 2005 – and the Federal Criminal Police Office.

The Federal Police is a Federal organ subordinate to the Federal Ministry of the Interior. In accordance with an Act of 19 October 1994, most recently amended by Article 4 of the Act of 21 July 2012 (Federal Law Gazette I, p. 1566), it secures the borders of the Federal territory, assumes the tasks of the Railway Police, performs duties relating to aviation and maritime safety, protects constitutional organs and ministries, supports the Federal Criminal Police Office and the Land police forces, assumes certain tasks in emergencies or states of defence, takes part in police missions abroad and protects German diplomatic missions abroad.

The Federal Criminal Police Office is also subordinate to the Federal Ministry of the Interior. Pursuant to an Act of 7 July 1997 (Federal Law Gazette 1997 I, p. 1650, most recently amended version contained in Federal Law Gazette 2009 I, p. 1226), it is the central agency for police information and intelligence. It is also responsible for international cooperation, criminal prosecution in certain cases, the protection of members of the Federal constitutional organs and for witness protection in certain cases.

Due to the administrative, functional and legal control by the Interior Ministers/Senators of the Länder or by the Federal Ministry of the Interior, the Land police forces, the Federal Police and the Federal Criminal Police Office are answerable to the Land Parliaments and/or the German Bundestag. Police action can be contested by citizens by way of general informal (remonstrance, petition for administrative review, disciplinary complaint) and formal legal

remedies (objection, lawsuit) either in the form of an internal investigation or review by a court.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Armed forces

Military service is voluntary in Germany. Applicants are advised, examined and deployed as required provided they are fit for service. This does not apply in the event of a state of tension or defence. Under such circumstances, the call-up procedure as laid down in the Compulsory Military Service Act, consisting of registration, pre-induction examination and call-up for basic military service is reinstated.

Paramilitary forces

There are no paramilitary forces in the Federal Republic of Germany.

Security forces

In accordance with the provisions under the ordinary law (Federal Border Police Act of 1971), use is not made of the option, possible in principle under Article 12a (1) of the Basic Law, of assigning conscripts to serve in the Federal Police.

3.2 What kind of exemptions or alternatives to military service does your State have?

With the suspension of the obligation to do basic military service as of 1 July 2011, regulations on exemptions from military service are no longer necessary. A compulsory call-up for military service in line with the Compulsory Military Service Act is only possible in the event of a state of tension or defence. Under such circumstances, the reinstated provisions under the Compulsory Military Service Act prescribing when a call-up is excluded or an individual is exempted from military service will apply. In addition to cases in which an individual cannot be released from other commitments, for which special reasons must be given and which are regarded as grounds for exemption, recognized conscientious objectors are exempted from military service.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

At present, only volunteers are serving with the Bundeswehr. In principle, all soldiers have the same civic rights as any other citizen. This is the essence of the German commitment to the “citizen in uniform” principle. Taking account of the extraordinary demands on persons doing military service, the Constitution only allows laws relating to military service to include restrictions of the basic rights to freedom of opinion, freedom of assembly and to a collective petition (Article 17a (1) of the Basic Law). If recourse is made to an administrative court in legal proceedings relating to military service, the preliminary procedure (objection) required in certain cases shall be replaced by a complaint procedure (cf. section after next).

Legal proceedings in an administrative court:

Just like any other citizen, military personnel may take action against the Government when they feel treated unjustly by submitting their complaints to a general administrative court, in so far as another course of action is not prescribed by law (Section 82, Legal Status of Military Personnel Act – Soldatengesetz). This applies to governmental measures affecting their status as citizens, as well as measures affecting their status as military personnel, e.g. the beginning or termination of service, or promotion.

Military complaint:

The military complaint provides military personnel with special protection under military law. The details are set out in the Military Complaints Regulations (Wehrbeschwerdeordnung). Military personnel may make use of this instrument if they believe they have been treated unfairly by Bundeswehr superiors or agencies or have been injured due to the conduct of fellow soldiers acting in breach of their duties. The soldier can, as a rule, make a formal complaint to his disciplinary superior for example to protest an order, which in principle, however, must initially be carried out. Nevertheless, military personnel are not required to obey orders which violate human dignity or lack official purpose. Orders which violate criminal law (including military and international criminal law) must not be complied with. If they are carried out then both the superior and the soldier are liable to prosecution. The competent disciplinary superior decides on the complaint. If he rejects the complaint, the complainant may make an additional complaint. If the complainant still does not succeed, he may apply to the Bundeswehr Disciplinary and Complaints Court. In administrative matters, the preliminary procedure is replaced by the complaint procedure, in so far as an official administrative act is contested or requested.

Report:

Another form of legal action which military personnel may take is to report official or service-related matters to superiors. Such reports may be delivered orally or in writing; they do not have to be made in a specific form or within specific deadlines.

Remonstrance:

Military personnel may submit a remonstrance suggesting that a superior or agency reconsider a decision for reasons of its lawfulness or expediency. A remonstrance does not have to conform to any specific procedural rules.

Disciplinary Complaint:

By a disciplinary complaint, military personnel may request a review of the personal conduct of a superior or of a specific measure with regard to its lawfulness or expediency. Such a complaint obliges the authority appealed to not only to accept the disciplinary complaint but also to review the facts and to inform the complainant in writing about the action taken.

Submission to the Parliamentary Commissioner for the Armed Forces:

According to Section 7 of the German Bundestag Act establishing the Parliamentary Commissioner for the Armed Forces, military personnel have the right to individually and directly appeal to the Commissioner without making use of official channels. A submission to the Commissioner is not tied to a specific time limit, and the applicant can express himself on all official and personal matters. Within the scope of his competence to make suggestions, the Commissioner can make recommendations to the competent authorities on how to settle matters. In addition, he can inform the German Bundestag of any violations of basic rights or principles of military leadership and civic education in the framework of the annual report or individual reports.

Petition:

In accordance with the Basic Law, military personnel – just like other citizens – have the right to address requests and complaints to the competent authorities and the parliaments. Petitions to the Bundestag are dealt with by the Petitions Committee. The right to petition entitles the petitioner to have the petition accepted, have the facts examined by the competent authority, and to be notified of the results.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g. through military training programmes and regulations?

The Legal Status of Military Personnel Act (Section 33) stipulates that Bundeswehr personnel have to be instructed on their rights and duties under international law in peacetime and war. The instruction on international humanitarian law and other international rules, conventions and commitments relating to armed conflicts envisaged in this Act is an integral part of the basic training programme for all military personnel in the German armed forces. Within the subsequent annual further-training programme for troops, instruction on international humanitarian law is one element of the curriculum and is intended to improve existing knowledge. The instruction is given by the responsible superiors or, where appropriate, by teachers in law and legal advisers.

Building on the knowledge gained, instruction in this field is taken further in the compulsory instruction and courses for the training of officers and non-commissioned officers. Preparatory courses for leadership and staff positions also deal with this topic. These courses enable superiors to instruct their military personnel in international humanitarian law within the framework of the above-mentioned curricula. This instruction for superiors is provided by teachers and lecturers in law at the Bundeswehr training centres, as well as by legal advisers.

In addition, the Internal Leadership Centre offers various courses and seminars on international law, particularly international humanitarian law, for legal advisers, teachers of law and staff officers. The purpose of these courses is to deepen and enhance knowledge of international humanitarian law in armed conflicts and to promote awareness of the importance of the law as an integral component of military operations. Legal advisers and teachers of law also have the opportunity to improve their knowledge in a tactics course specially designed for them at the Army Officers Academy and by taking part in courses and further training both in Germany and abroad.

Units selected for deployment abroad receive additional training with legal elements specifically relating to their mandate and area of operations. Military leaders and officers in staff positions are selected specially for such training.

Furthermore, a week-long seminar “The law in deployment” has been held at the Internal Leadership Centre several times a year since early 2008 for soldiers with leadership functions, irrespective of an imminent deployment abroad. The training focuses on the international law aspects of deployment abroad as well as operational law in the narrower sense.

In addition to attending the above-mentioned courses, legal advisers selected for secondment abroad can also prepare themselves by taking part in a special course at the Internal Leadership Centre/Central Training Facility for the Administration of Justice in the Bundeswehr.

Finally, both soldiers as well as teachers of law and legal advisers have access via the Bundeswehr Intranet to international law documents of relevance to their training.

The following regulations and training aids are available to instruct military personnel in international humanitarian law and are regularly updated:

- Joint Service Regulation 15/1 “Humanitäres Völkerrecht in bewaffneten Konflikten – Grundsätze” (International Humanitarian Law in Armed Conflicts – Principles);
- Pocket Handbook “Humanitäres Völkerrecht in bewaffneten Konflikten – Grundsätze” (International Humanitarian Law in Armed Conflicts – Principles);
- Joint Service Regulation 15/2 “Humanitäres Völkerrecht in bewaffneten Konflikten – Handbuch” (International Humanitarian Law in Armed Conflicts – Manual);
- Joint Service Regulation 15/3 “Humanitäres Völkerrecht in bewaffneten Konflikten – Textsammlung” (International Humanitarian Law in Armed Conflicts – Anthology);
- “Materialien zur Weiterbildung im Kriegsvölkerrecht, Zusatzprotokolle und Waffenübereinkommen” (Materials for Further Training in the International Law of War, Additional Protocols and Arms Agreements), 1991;
- “Unterrichtsmappe Wehrrecht, Soldatische Ordnung, Humanitäres Völkerrecht in bewaffneten Konflikten” (Training Materials on Military Law and Regulations and Humanitarian Law in Armed Conflicts). This material is distributed down to company level.

- “Handbuch für den Rechtsberater-Stabsoffizier in Auslandseinsätzen” (Handbook for senior military legal advisers in operations abroad) – (several volumes, regularly updated);
- “Kommandantenhandbuch – Rechtsgrundlagen für den Einsatz von Seestreitkräften” (Commanding officers handbook – legal basis for the deployment of maritime forces) 060406;
- Intranet pages of the Central Training Facility for the Administration of Justice in the Bundeswehr (regularly updated).

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

Both within the scope of tuition on international humanitarian law and in the relevant Service Regulation (Joint Service Regulation 15/2 “Humanitäres Völkerrecht in bewaffneten Konflikten – Handbuch” (International Humanitarian Law in Armed Conflicts – Manual), it is expressly pointed out that any member of the armed forces who has violated the rules of international humanitarian law can expect to be called to account via either criminal or disciplinary proceedings.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Ensuring that the armed forces are not used as a means of exerting power in domestic conflicts lies at the heart of the constitutional, legal and organizational regulations on the armed forces. Several principles address this:

- clear constitutional guidelines on the status of the armed forces and their functions;
- strict limitations on the deployment of the armed forces at home;
- effective, in particular parliamentary, control of the armed forces;
- guarantee of civilian leadership (primacy of politics).

Under Article 87a (2) of the Basic Law, apart from defence the armed forces may be employed only to the extent expressly permitted by the Basic Law. This rule is absolute. It is

aimed at restricting the possibilities for a Bundeswehr deployment at home by using the principle of strict adherence to the text.

Deployment of the armed forces at home is limited to a few narrowly defined situations which are subject to judicial control. This applies to states of emergency (Article 87a (4) in conjunction with Article 91 (1) of the Basic Law), states of tension or defence (second sentence of Article 87a (3) in conjunction with Article 115a (1) of the Basic Law), an impending natural disaster or one which has already occurred, as well as an especially grave accident (Article 35 (2) and (3) of the Basic Law). Besides these special situations, the armed forces may not perform any duties of the police forces of the Federation or Länder, for a strict differentiation is made between military tasks and police tasks as well as responsibility for security plans.

The situations mentioned above which allow the deployment of the armed forces at home are all subject to parliamentary control. This must either take place in advance of the deployment (determination of a state of tension or defence, Article 80a and Article 115a of the Basic Law) or ensures that deployment of the armed forces is halted at any time at the request of the German Bundestag or Bundesrat. Furthermore, effective parliamentary control of the armed forces is guaranteed through the special rights of the Committee on Defence (Article 45a of the Basic Law), the Parliamentary Commissioner for the Armed Forces (Article 45b of the Basic Law) and the budgetary law of the German Bundestag, which has an impact on the organization of the armed forces (Article 87a (1) of the Basic Law).

Finally, command of the armed forces is vested in the Federal Minister of Defence (Article 65a of the Basic Law), who is subject to the democratic control of the German Bundestag as a member of the Federal Government. He cannot delegate his powers, in particular not to the Chief of Staff or other military entities. The armed forces are thus subordinate to the primacy of politics both in times of peace and during a deployment. This means the instructions of political leaders take precedence over decisions made by military leaders.

Both through the incorporation of the armed forces as a parliamentary army in rule-of-law structures, as provided for by the Basic Law, and through the combination of the control mechanisms outlined, it can be ensured that the armed forces are not used as a means of exerting power – not only at home.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

The Legal Status of Military Personnel Act provides that armed forces personnel must be able to exercise their civic rights. It ensures that soldiers have the same civic rights as any other citizen. Only within the scope of the requirements of military service can individual rights be restricted by statutory duties. As already stated under item 3.3, comprehensive means of legal redress guarantee that soldiers are able to exercise their civic rights.

The guarantee of the political neutrality of the armed forces is also included in the Legal Status of Military Personnel Act. It provides that soldiers on duty cannot act to the advantage or disadvantage of any given political group. The right of soldiers to express their own opinions in conversations with colleagues is unaffected by this. Within service accommodation and facilities, soldiers may not canvass on behalf of political groups, not even when they are off-duty. (In particular, they are not permitted to make speeches, disseminate written material or work as representatives of political organizations.) Soldiers are not permitted to wear their uniforms at political events nor are they allowed to influence their subordinates in favour of or against a political view.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

International and constitutional law form the basis for the actions of the Federal Republic of Germany in the sphere of defence policy, as well as for all missions of German armed forces. Defence policy is firmly anchored in the rule-of-law structures of the Basic Law and is subordinate to the primacy of democratically legitimized politics.

The German Basic Law provides that the general rules of international law are part of Federal law and take precedence over all acts. Germany's security policy is guided by the values of the Basic Law and the goal of helping to ensure respect for human rights and strengthening the international order on the basis of international law. International humanitarian law and the rules laid down for missions on the use of military force are an integral element of the leadership process in the German armed forces.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

The provisions of the OSCE Code of Conduct have a prominent place on the website of the Federal Foreign Office:

<http://www.auswaertiges->

[amt.de/DE/Aussenpolitik/Friedenspolitik/Abruestung/KonvRueKontrolle/OSZE-](http://www.auswaertiges-amt.de/DE/Aussenpolitik/Friedenspolitik/Abruestung/KonvRueKontrolle/OSZE-)

[CoC_node.html](http://www.auswaertiges-amt.de/DE/Aussenpolitik/Friedenspolitik/Abruestung/KonvRueKontrolle/OSZE-CoC_node.html), and are thus accessible to the public.

1.2 What additional information related to the Code of Conduct, e.g. replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The questionnaire and answers are also published there.

In addition to the German, an English version is also available.

1.3 How does your State ensure public access to information related to your State's armed forces?

The Federal Ministry of Defence and the Bundeswehr provide up-to-date information on the decisions and plans of the Ministry, as well as on the commitment, tasks and missions of the Bundeswehr. The aim is to foster the general public's confidence in Germany's security and defence policy and in its armed forces. This information service highlights the Bundeswehr's integration in state and society, heightens the public's awareness of the necessity of the armed forces and makes it possible for citizens of the Federal Republic of Germany to take part responsibly in the forming of political will vis-à-vis security and defence issues.

Within the scope of the objectives outlined above, the dissemination of information focuses on journalists from all media at home and abroad as well as the general public in Germany.

Information is made available in the form of free brochures, leaflets and electronically or through the websites www.bmvg.de and www.bundeswehr.de. In addition, since February 2011 comprehensive information on the situation in the Bundeswehr's areas of deployment has been available online. This is complemented by an open dialogue on all Bundeswehr-

related issues, for example through Facebook, seminars and talks, trade fairs and exhibitions, as well as by visits to the armed forces.

The public can receive information directly from public relations staff, in particular the youth officers, as well as directly through telephone inquiries and letters to the Federal Ministry of Defence and the Bundeswehr.

The Federal Republic of Germany thus ensures that the public has adequate access to information on the armed forces via all modes of communication.

In addition to the information service provided by the Ministry of Defence, there is the Act Governing Access to Information held by the Federal Government (Freedom of Information Act – Informationsfreiheitsgesetz) of 5 September 2005 (Federal Law Gazette I, p. 2722).

2. Contact information

Provide information on the national point of contact for the implementation of the Code of Conduct.

Federal Foreign Office
Division 241-2
11013 Berlin
241-2@auswaertiges-amt.de
Tel.: +49 30 1817 4279 or +49 30 1817 0
Fax: +49 30 1817 5 4279 or +49 30 1817 4161

Permanent Mission of the Federal Republic of Germany to the Organization for Security and Co-operation in Europe
Postbox 160
1037 Vienna
mil-5-osze@wien.auswaertiges-amt.de
Tel.: +43 1 7 11 54 133
Tel.: +43 1 7 11 54
Fax: +49 228 17 55113

Additional information on the processing of the questionnaire

Division 241 at the Federal Foreign Office is responsible for answering the questionnaire on the OSCE Code of Conduct and initializes this process by requesting and coordinating contributions from other relevant divisions in the Federal Foreign Office, the Federal Ministry of Finance, the Federal Ministry of the Interior, the Federal Ministry of Defence and the Federal Chancellery. It has drawn up this report based on this feedback.

ANNEX 1:

Additional information on women and peace and security

Annex to the Report by the Federal Republic of Germany for 2012

I. Prevention

1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.

Gender issues continue to play a significant role in Bundeswehr courses. From basic to officers' training, especially in the field of leadership, the demands of UN Security Council Resolution 1325 are adapted to and implemented in the training of the armed forces. The groundwork on awareness of the gender perspective is laid here. The aim is to heighten awareness among our soldiers of this issue and its importance, both in the sense of "women serving in the armed forces" and "the status of women in society". Furthermore, criminal liability for acts of violence against sexual self-determination is dealt with.

- Inclusion of specific matters related to the protection of women's and girls' rights in the basic education of armed forces.

The German Government is pressing to ensure that a gender perspective is integrated into the instruction and training sphere. The target group encompasses national personnel in donor and partner countries as well as multipliers such as trainers and instructors of relevant organizations in the partner countries. In the field of strategic orientation, training is an integral part of developing an individual's competences as well as institutional capacity development.

- Availability of specialized in-service training for armed forces personnel on the protection of women's and girls' rights.

The provisions of the Acts on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr and on the Equal Treatment of Female and Male Military Personnel are discussed in two or three-hour blocs in the following courses at the Leadership Development and Civic Education Centre

- Staff representation law for heads of armed forces units large enough to have a staff council,

- Introductory course for teachers of law and legal advisors,
- Internal leadership for battalion commanders, commanders, deputies and future battalion commanders,
- Internal leadership with company commanders,
- Internal leadership with first sergeants and masters-at-arm.

The UN Secretary-General's bulletin of 9 October 2003 on "Special Measures for Protection from Sexual Exploitation and Sexual Abuse" is dealt with in the Internal Leadership Centre courses "central leader training for missions abroad" and "the law in deployment". Moreover, the "rights and special needs of women" and "protective measures in the context of concrete mandate powers" are also discussed in these courses. This also applies to the relevant provisions on protection in the Geneva Conventions and their Additional Protocols (in particular, the protection of civilians, the onus on military personnel to distinguish themselves from civilians, criminal law aspects of violations). During the preparatory training for a mission, the current situation of the population in the country in question is examined. The important role of women in settling conflicts is discussed in this context, as is the integration of women into regional institutions. In addition, questions concerning the concrete country-specific treatment of women and conduct in the presence of the local female population in the country are discussed. Since 2012, preparation for deployment has included a further bloc on "communication with women in crises regions".

In addition to military capabilities, soldiers should develop additional social and intercultural skills for different deployment scenarios with a view to reconciling hostile groups. Moreover, participants are provided with information on the causes of the conflict, its course, and on the social, political and cultural conditions as well as on relations between the sexes on the grounds.

Placing UN Security Council Resolution 1325 on the Intranet of the Bundeswehr will make the Resolution better known among the armed forces, independent of courses.

- **Inclusion of specific matters related to the protection of women's and girls' rights in the pre-deployment training for international peacekeeping missions.**

In concrete terms, the German Government's commitment to the integration of gender-specific measures into crisis prevention and conflict management is, for example, part of the training for UN missions as well as the training of contingents for the Bundeswehr's ongoing stabilization missions. This includes, in particular, attention to the role of women in resolving conflicts. This is of special importance to personnel deployed in field missions.

- **Availability of plans to address and gather information from local women populations in areas at risk of conflicts.**

Within the context of the ISAF mission, female intercultural mission advisers who maintain contacts with women and identify and support special women's networks are being deployed within Germany's area of responsibility in northern Afghanistan.

- **Inclusion of systematic gender analysis of areas at risk of conflicts, including gender disaggregated socio-economic indicators and power over resources and decision-making.**

A systematic gender analysis of areas at risk of conflicts, including gender disaggregated socio-economic indicators and power over resources and decision-making is included in communications with decision-makers in Afghanistan within the framework of intercultural mission advice.

2. **Measures to address the violation of the rights of women and girls, in line with international standards. Number and percentage of military manuals, guidelines, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girls' human rights. Number and percentage of directives for peacekeepers issued by head of military components and standard operating procedures that include measures to protect women's and girls' human rights.**

The Federal Republic of Germany regards the protection of human rights as an obligation, irrespective of biological gender or the age of the individual concerned. The legal equality of men and women is emphasized in the armed forces' legal training from basic to officer training; in addition, there are extra courses for soldiers in leadership positions (company commanders, first sergeants and battalion commanders and soldiers of a comparable rank) in which information is provided on the different behaviour of men and women in typical military situations. Comparable training takes place in the courses preparing senior personnel for missions abroad. Naturally, the roles of men and women in the country where the mission is taking place are outlined. At the same time, guidelines on how to behave towards the local population are provided.

II. Participation

1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence.

Part 2 (Sections 5 - 11) of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr (SGleiG) contains a number of measures aimed at boosting the equality of male and female soldiers. The measures begin at the recruitment and job advertisement stage and encompass the approval procedure as well as selection decisions on promotion. For all spheres, the rule is that women, provided that they are underrepresented (i.e. they represent less than 50% of the medical corps and less than 15% in other areas), are given preferential treatment in the case of equal suitability and aptitude. These measures are backed up by a statutory ban on discrimination (Section 9 of the SGleiG) and the obligation of agencies to support the participation of women in basic and further-training courses (Section 10 of the SGleiG).

Moreover, every four years a gender equality plan is drawn up, which is updated after two years, outlining the state of equality between male and female soldiers. As well as portraying the current situation, the plan also describes the development of gender equality and contains an assessment of the targets reached. Furthermore, the gender equality plan ought to provide for measures to implement necessary personnel and organizational improvements within the framework of concrete targets.

Since the opening up of all military careers to women in 2001, women have also been deployed in operational areas. Depending on the assignment pattern, female officers are already acting as company-level commanders. Efforts are being made to earmark female officers in the operational service for more senior posts.

- Number and percentage of women applying to be part of the military forces.

In 2012, around 6200 women (16%) applied to become fixed-term Bundeswehr soldiers. This percentage is similar to that of previous years.

- Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc.).

The opening up of the operational service to women was advertised at first (2001). The female target audience was reached thanks to the heavy use of the mass media in military

recruitment. Furthermore, the cross-media portrayal in recruitment material of men and women as having equal status conveyed to young people that the wide variety of attractive training courses and careers in the Bundeswehr are of equal interest to men and women.

In a pilot project, a recruitment campaign directed solely at women was launched for the first time. Data on its impact is not yet available.

The performance assessment of the aptitude test procedure is the same for male and female applicants. The only exception is physical fitness, where men and women are assessed differently in line with the requirements for the German Sport Badge.

- **Establishment, promotion, maintenance and use of specialized rosters of female profiles in the military fields.**

The drawing up of exclusively female post profiles in the military sphere is not envisaged. Military posts are designed in such a way that they can be taken up by either male or female soldiers.

The only exceptions are posts which must be given to women on statutory grounds (e.g. military gender equality representative).

- **Number and percentage of women in the military forces disaggregated by rank**
(including the corresponding navy and medical corps ranks):

	Female soldiers	Share in %
General	1	0.76%
Oberst (Colonel)	10	0.81%
Oberstleutnant (Lieutenant-colonel)	199	2.45%
Major	757	20.17%
Stabshauptmann (Captain, senior grade)	0	0.00%
Hauptmann (Captain)	743	6.52%
Oberleutnant (First lieutenant)	620	9.35%
Lieutenant	973	17.45%
Oberstabsfeldwebel (Sergeant major)	2	0.05%
Stabsfeldwebel (Warrant officer class 2)	46	0.47%
Hauptfeldwebel (Staff sergeant)	2101	9.22%
Oberfeldwebel (Staff sergeant)	3222	14.89%
Feldwebel (Sergeant)	1206	14.56%

Stabsunteroffizier (Sergeant)	4311	13.72%
Unteroffizier (Non-commissioned officer)	752	13.87%
Oberstabsgefreiter (Corporal)	215	6.04%
Stabsgefreiter (Corporal)	643	4.33%
Hauptgefreiter (Lance corporal)	1159	6.11%
Obergefreiter (Lance corporal)	484	10.36%
Gefreiter (Private)	468	13.79%
Soldat (Soldier)	546	11.26%

- **Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon.**

The complaints procedure in the Bundeswehr does not envisage a systematic and central registration of complaints. In particular, no data on the activities relating to complaints is collated or recorded. Therefore, no comment can be made on this question.

- **Development of regular analysis of retention and promotion practices for men and women in the forces.**

Under Section 24 of the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr, every two years the German Government must present to the German Bundestag a report comparing the situation of female soldiers to that of male soldiers within the scope referred to in Section 3 and on the application of this act following an assessment of the statistics. This enables the Bundestag to gain a general overview of the progress made with regard to the regulations and information on gender equality.

The statistical data on the percentage of female soldiers in the Bundeswehr shows the development in individual areas (career categories, careers, salary grades and ranks), broken down into army, air force, navy and medical corps.

Together with the information drawn up on a regular basis by the central human resources departments, this provides the basis for analysis of measures to return personnel and promotion practices for men and women in the forces.

2. Measures to increase the number of women in peacekeeping forces.

Women have become a key factor in helping to guarantee the operational preparedness of the German armed forces. The share of female soldiers in the entire Bundeswehr is around 9.3% at present. During the reporting period, around 5.4% of the total of 6700 soldiers involved in missions were women. Measures to increase the share of women in missions did not have to be initiated.

- **Number and percentage of international missions where gender advisers were appointed.**

The Bundeswehr does not employ special gender advisers in missions abroad. These tasks are carried out by intercultural mission advisers, the first of whom are deployed in northern Afghanistan.

- **Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.**

Data in the desired form is not available at present.

III. Protection

1. Increased access to justice for women whose rights are violated.

- **Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.**

Sex attacks by male and female Bundeswehr soldiers are dealt with by way of disciplinary means under the Military Disciplinary Code, which may ultimately lead to the removal of personnel from service. If there are grounds to assume that the conduct of the soldier constituted a crime against the sexual self-determination of their victim, then under the current laws and ordinances the disciplinary superior is furthermore obliged to hand the matter over to the (civilian) law enforcement authorities. As a result of this high standard of legal protection, as well as the very high hurdles for anyone wishing to leave a camp, it has

not been necessary to investigate or prosecute sex attacks by Bundeswehr soldiers on members of local communities.

IV. Other information

- **Information on the development, implementation and evaluation of a National Action Plan to implement UNSCR 1325.**
- **Information on best practices and lessons learned.**
- **Any other relevant information.**

In 2011, first concrete steps were taken within the German Government to draw up an action plan to implement UN Security Council Resolution 1325; this action plan for 2013-2016, which was elaborated by an interministerial working group established in 2009 and chaired by the Federal Foreign Office in consultation with civil society was adopted by the Cabinet on 19 December 2012. (http://www.auswaertiges-amt.de/cae/servlet/contentblob/633902/publicationFile/175260/121219_Aktionsplan_downloaded.pdf)

In addition to this, the German Government continues to report regularly to the German Bundestag on the progress made in implementing Resolution 1325, most recently in the third implementation report of 3 December 2010.

ANNEX 2: Additional information on the democratic and political oversight of private military and security companies

Annex to the Report by the Federal Republic of Germany for 2012

I. Preliminary remarks¹

The constitutional order of the Federal Republic of Germany is based on the state's monopoly on the use of force. Maintaining internal and external security is the task of the state. Activities at home and abroad which affect core military capabilities cannot therefore be assigned to private companies. Furthermore, missions which represent sovereign interventions with powers to issue orders or to use force are reserved for the state. To the extent that sovereign tasks can be transferred to the private sector, such a transfer must be made as a transfer of the exercise of sovereign rights by law or on the basis of a law (e.g. checks on air travellers in accordance with the Act on Aviation Security). A general transfer of responsibilities by German legislators to private security services does not take place, nor is it legally possible.

The German Government believes that privatization of core state tasks in the military and security sphere leading to an erosion of the state's monopoly on the use of force is to be avoided. The state remains obliged to guarantee the protection of human dignity, fundamental rights and the entire legal order at all times and in full.

A careful selection and vetting of private military and security companies is therefore of crucial importance, especially as the state, when it relies on the support of such companies for outsourcing or privatizing sovereign tasks, must take responsibility for their actions. Such a special responsibility should also apply to international organizations or non-governmental organizations if they make use of the services of such companies.

German companies abroad working for security forces do so exclusively in the logistics sphere, including guard duties, as well as in the technical sphere (e.g. supplies, transport, maintenance).

¹ Cf. also the response of the German Government to the major interpellation by the Alliance 90/The Greens parliamentary group (Bundestag printed paper 17/6780 of 5 August 2011)

II. Regulatory framework

The German Government believes that the existing regulations in EU sanctions law, commercial law and external economic law are sufficient to deal effectively with security companies with military objectives. In particular, in the case of such activities the provision of a service by German nationals can be prohibited under a regulation in the Foreign Trade and Payments Act in order to avert an isolated risk to the key security interests of the Federal Republic of Germany, the peaceful co-existence of peoples or the foreign relations of the Federal Republic of Germany. Furthermore, there are penalties for certain actions. The competent judicial agencies are responsible for prosecuting and penalizing the relevant offences.

Private security companies based in Germany need a licence to carry out guard activities at home and abroad as defined in Section 34a of the Trade Regulation Code; the prerequisite for this is a certificate of integrity. The Weapons Act, under which the need to purchase, own or carry firearms and ammunition is recognized if credible evidence can be submitted to the authority that contracts to safeguard a person or object at risk make it necessary, also applies to private security companies.

Due to the special situation facing sailors and security forces on the high seas, German legislators adopted the Gesetz zur Einführung eines Zulassungsverfahrens für Bewachungsunternehmen auf Seeschiffen (law on the introduction of a licensing procedure for security companies on board sea vessels) of 4 March 2013 (Federal Law Gazette 2013 I, p. 362), which contains a special regulation on the authorization of security companies on board ships as protection against piracy. The special licensing procedure envisaged in accordance with Section 31 of the Trade Regulation Code is oriented towards International Maritime Organization (IMO) guidelines and sets out special requirements regarding reliability, expertise and suitability of companies and guards. It also envisages that licences be granted by the Federal Office of Economics and Export Control (BAFA) in agreement with the Federal Police. The licensing obligation for security companies is to enter into force on 1 December 2013.

As for weapons of war as defined by the War Weapons Control Act (KrWaffKontrG), according to a Federal Administrative Court ruling they should not be in the hands of private individuals; this also applies to private security firms.

The German Government examines on a regular basis, taking into account current developments, whether the regulatory framework remains adequate. For example, in line with the decision by the Standing Conference of the Interior Ministers/Senators of the Länder (IMK) of 8/9 December 2011, it is currently taking part – represented by the Federal Ministry of the Interior – in a working group open to all Länder which is examining to what extent certain standards for companies in the private security industry can be laid down by law.

Beyond that, the German Government takes a critical view of the regulation of private military and security companies as this could create interest in a new field in the security sphere for which there is currently no acceptance within society.

III. International efforts

The German Government is open in principle to initiatives which aim to ensure effective registration and vetting of the activities of private military and security firms.

- It therefore played an active role in the elaboration of the Montreux Document of 17 September 2008 within the framework of a consultation process initiated by Switzerland and the International Committee of the Red Cross. The Montreux Document contains a list of international law provisions and recommended action in the form of good practices for private military and security firms operating in armed conflicts.
- It welcomes the International Code of Conduct for Private Security Service Providers of 9 November 2010 as a voluntary self-regulation measure by private security firms.
- Within the framework of the Organization for Security and Co-operation in Europe (OSCE), the German Government is calling for private military and security firms to be placed under adequate democratic and political oversight and to act solely on the basis of the relevant constitutional framework. The German Government is therefore calling in the OSCE Forum for Security Co-operation for the provisions of the OSCE Code of Conduct on politico-military aspects of security as well as the annual exchange of information of the OSCE participating states on its implementation to also be applied to private military and security firms.

ANNEX 3 – List of international agreements and arrangements

Annex to the Report by the Federal Republic of Germany for 2012

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related cooperation in criminal matters. If your State is not a party to a treaty, but is considering becoming a party, kindly indicate at which stage is such consideration (e.g. undergoing interministerial coordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc).

	Name of the treaty	Party by: ratification P (R) , accession P (a) , succession P (s) , acceptance P (A) , approval P (AA) , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	P (R)	16 December 1969
2	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	P (R)	11 October 1974
3	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	P (R)	3 February 1978
4	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	P (R)	25 January 1977
5	International Convention against the Taking of Hostages (1979)	P (R)	15 December 1980
6	Convention on the Physical Protection of Nuclear Material (1979)		6 September 1991
7	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988) concluded in Montreal on 23 September 1971	P (R)	25 April 1994
8	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	P (a)	6 November 1990
9	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	P (a)	6 November 1990
10	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)	P (R)	17 December 1998

11	International Convention for the Suppression of Terrorist Bombings (1997)	P (R)	23 April 2003
12	International Convention for the Suppression of the Financing of Terrorism (1999)	P (R)	17 June 2004
13	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	P (R)	8 February 2008
14	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	P (R)	21 October 2010
15	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	Not Party; interministerial coordination	
16	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	Not Party; interministerial coordination	
17	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	Not Party; Convention not yet in force	
18	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	Not Party; Convention not yet in force	
19	The United Nations Convention Against Transnational Organized Crime (2000)	P (R)	14 June 2006
The Council of Europe legal instruments			
20	European Convention on the Suppression of Terrorism (1977) CETS No: 090	P (R)	3 May 1978
21	Protocol Amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	Signature	15 May 2003
22	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	Signature	24 October 2006
23	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	Not Party	
24	European Convention on Extradition (1957) CETS No: 024	P (R)	2 October 1976
25	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Not Party	
26	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	P (R)	8 March 1991
27	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	P (R)	2 October 1976
28	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	P (R)	8 March 1991

29	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	Signature	8 November 2001
30	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	Not Party	
31	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	P (R)	16 September 1998
32	Convention on Cybercrime (2001) CETS No: 185	P (R)	9 March 2009

Please list below any **other regional, sub-regional or bilateral agreements or arrangements** relevant to preventing and combating terrorism and related cooperation in criminal matters, to which your country is a party.

For information cf.:

Information exchange on the Code of Conduct on politico-military aspects of security
Report by the Federal Republic of Germany for 2012, Part I, item 1.1