

Country Overview

## Germany

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| <p>Legislative framework for armed forces' use for civil protection</p> | <p><b>Basic Law of the Federal Republic of Germany (Grundgesetz), also referred to as the German Constitution</b></p> <p>Article 35 allows a German state (“Land”) to request the assistance of the national Armed Forces to support the police in responding to a disaster or emergency and permits the Federal Government to deploy Armed Forces in order to support the police where natural disasters or emergencies affect the German territory in general or more than one “Land”. However, the Armed Forces have traditionally carried out purely humanitarian activities both domestically and abroad as their "deployment" (Einsatz) is tightly regulated by Article 87a(2), which stipulates that “Apart from defence, the Armed Forces may be employed only to the extent expressly permitted by this Basic Law.” In addition, the German Constitutional Court has interpreted Article 24 of the Basic Law that deals with “Transfer of sovereign powers – System of collective security” within the context of transfer of sovereign powers to international organizations to permit the deployment of the Armed Forces abroad in the context of a "system of mutual collective security". Moreover, Article 24 (1a) states that “Insofar as the <i>Länder</i> are competent to exercise state powers and to perform state functions, they may, with the consent of the Federal Government, transfer sovereign powers to transfrontier institutions in neighbouring regions,” thus potentially allowing German states to cooperate with neighbouring European countries.</p>  |
| <p>Key civilian authority/ies</p>                                       | <p><b>The Federal Ministry of the Interior, Building and Community (<i>Das Bundesministerium des Innern, für Bau und Heimat (BMI)</i>)</b> is the lead ministry on the Interministerial Panel on National Crisis Management.</p> <p>The <b>Federal Law on the Civil Protection and Disaster Relief (<i>Gesetz über den Zivilschutz und die Katastrophenhilfe des Bundes (ZSKG)</i>)</b> provide the legal basis for civil protection in Germany.</p> <p>Within the BMI, the <b>Federal Office of Civil Protection and Disaster Assistance (<i>Das Bundesamt für Bevölkerungsschutz und Katastrophenhilfe (BBK)</i>)</b> is the executive agency responsible for matters related to civil protection and disaster assistance. The BBK can be considered a federal service centre offering a wide range of services for authorities at all administrative levels, organizations and institutions involved in civil protection, which includes emergency preparedness and contingency planning. In addition, the BBK provides information and coordination services through the <b>German Joint Information and Situation Centre (GMLZ)</b>.</p> <p><b>Federal Agency for Technical Relief (THW)</b> crews boast special technical capabilities and expertise to provide effective assistance, notably in flood disasters and earthquakes.</p> <p>The term "<b>civil protection</b>" reflects a horizontal approach, regarding the protection of the population against all kind of natural and man-made disasters (including war).</p> <p>The term "<b>disaster assistance</b>" refers to the Federal Government’s task of providing support to disaster management measures in the federal states in case of major disasters of all types, particularly support for information-sharing, coordination, managing scarce resources and conducting crisis management exercises.</p> |
| <p>Armed forces branch(es) primarily involved</p>                       | <p><b>Federal Armed Forces (“Bundeswehr”)</b></p> <p>Since 2004, the Bundeswehr is a participant in the annual National Crisis Management Exercise (LÜKEX). During this exercise, federal- and state-level crisis management teams partake in simulations organized by the Federal Office of Civil Protection and Disaster Assistance (Bundeswehr, 2021).</p>   |



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| <p><i>Cases of use / Good practices</i></p>   | <ul style="list-style-type: none"> <li>• <b>2021 floods</b><br/>In the summer of 2021, Germany witnessed the worst flooding recorded in its history, with over 200 confirmed deaths and 750 injured. In response and at the request of civil authorities, the Bundeswehr deployed around 1,000 soldiers in the stricken areas, supplied heavy equipment (i.e. armoured recovery trucks, all-terrain ambulances, bridge-laying tanks, etc.), and provided a satellite communication system, field kitchens, helicopters, and firefighting trucks.</li> <li>• <b>Covid-19 pandemic response</b><br/>The Bundeswehr also played an active role during the Covid-19 pandemic, with 15,000 staff on standby for deployment to support the distribution of medical supplies, administration of Covid-19 testing, and the implementation of contact tracing, among other things. However, given the political-cultural context of the country, expanding the military's role is met with a certain level of apprehension. Thus, several politicians have called for the Bundeswehr to be used only as a last resort, when civilian resources are completely exhausted.</li> </ul> |
| <p><i>Follow-up questions / concerns</i></p>  | <ul style="list-style-type: none"> <li>• At what stage and by whom are the troops called in for civil protection tasks?</li> <li>• What is the hierarchy and standard operating procedures between civilian and military authorities in civil protection operations?</li> <li>• Who pays for the civil protection activities of the military?</li> <li>• Any concern about bringing the military into civilian activities?</li> <li>• What about training within the military and between the military and civilian authorities?</li> <li>• What about cross border cooperation with other countries' military and civilian authorities for civil protection operations?</li> <li>• What about engagement in coordination via NATO, the UN or other mechanism, e.g. the EU?</li> </ul>   |
| <p><i>Indicative Bibliography</i></p> <ul style="list-style-type: none"> <li>• <a href="https://www.dw.com/en/coronavirus-how-the-german-military-helps-fight-the-pandemic/a-55450525">https://www.dw.com/en/coronavirus-how-the-german-military-helps-fight-the-pandemic/a-55450525</a></li> <li>• <a href="https://www.dw.com/en/how-the-german-military-is-helping-in-flood-hit-areas/a-58319840">https://www.dw.com/en/how-the-german-military-is-helping-in-flood-hit-areas/a-58319840</a></li> <li>• <a href="https://www.dw.com/en/thw-germanys-army-of-volunteers-for-disaster-relief/a-58320465">https://www.dw.com/en/thw-germanys-army-of-volunteers-for-disaster-relief/a-58320465</a></li> <li>• <a href="https://www.globalsecurity.org/military/world/europe/de-policy-out-of-area-ops.htm">https://www.globalsecurity.org/military/world/europe/de-policy-out-of-area-ops.htm</a></li> <li>• <a href="https://www.dw.com/en/why-germanys-disaster-management-works-from-the-bottom-to-the-top/a-58571507">https://www.dw.com/en/why-germanys-disaster-management-works-from-the-bottom-to-the-top/a-58571507</a></li> <li>• <a href="https://www.bbk.bund.de/DE/Themen/Krisenmanagement/Zivil-Militaerische-Zusammenarbeit/zivil-militaerische-zusammenarbeit_node.html">https://www.bbk.bund.de/DE/Themen/Krisenmanagement/Zivil-Militaerische-Zusammenarbeit/zivil-militaerische-zusammenarbeit_node.html</a></li> <li>• <a href="https://www.bbk.bund.de/DE/Das-BBK/das-bbk_node.html">https://www.bbk.bund.de/DE/Das-BBK/das-bbk_node.html</a></li> <li>• <a href="https://www.dw.com/en/why-germanys-disaster-management-works-from-the-bottom-to-the-top/a-58571507">https://www.dw.com/en/why-germanys-disaster-management-works-from-the-bottom-to-the-top/a-58571507</a></li> <li>• <a href="https://www.bundesregierung.de/breg-en/search/federal-armed-forces-end-administrative-aid-mission-1957474">https://www.bundesregierung.de/breg-en/search/federal-armed-forces-end-administrative-aid-mission-1957474</a></li> <li>• <a href="https://www.deutschland.de/en/topic/politics/german-basic-law-the-key-facts">https://www.deutschland.de/en/topic/politics/german-basic-law-the-key-facts</a></li> <li>• <a href="https://www.deutschland.de/en/topic/politics/the-german-constitution-putting-people-first">https://www.deutschland.de/en/topic/politics/the-german-constitution-putting-people-first</a></li> <li>• <a href="https://www.bmvg.de/de">https://www.bmvg.de/de</a></li> <li>• <a href="https://www.deutschland.de/en/topic/politics/crisis-response-centre-at-the-federal-foreign-office-corona-pandemic">https://www.deutschland.de/en/topic/politics/crisis-response-centre-at-the-federal-foreign-office-corona-pandemic</a></li> <li>• <a href="https://www.bmi.bund.de/EN/topics/civil-protection/crisis-management/crisis-management-node.html">https://www.bmi.bund.de/EN/topics/civil-protection/crisis-management/crisis-management-node.html</a></li> <li>• <a href="https://www.bmi.bund.de/EN/topics/civil-protection/civil-protection-node.html">https://www.bmi.bund.de/EN/topics/civil-protection/civil-protection-node.html</a></li> <li>• <a href="https://www.bmi.bund.de/EN/ministry/structure-and-organization/structure-and-organization-node.html">https://www.bmi.bund.de/EN/ministry/structure-and-organization/structure-and-organization-node.html</a></li> <li>• <a href="https://iuvmpress.news/floods-in-a-fiasco-built-by-years-of-government-inaction-and-mismanagement/">https://iuvmpress.news/floods-in-a-fiasco-built-by-years-of-government-inaction-and-mismanagement/</a></li> </ul> |  |