



**Draft Speech by
the Parliamentary Commissioner for the Armed Forces
at the
7th International Conference of
Ombuds Institutions for the Armed Forces
Prague, 25 October 2015**

Ladies and Gentlemen,

I would like to start, if I may, by expressing my warm thanks to you once again for your kind invitation to Prague and for the opportunity to participate in this interesting discussion about the role of ombuds institutions in democratic societies.

This second session considers the centrality of human rights in democratic societies and oversight of these rights within the armed forces by military ombuds institutions.

I would like to explore two specific aspects of this topic from my perspective as the German Bundestag's Parliamentary Commissioner for the Armed Forces.

I shall start by briefly describing how the basic rights of soldiers serving with Germany's Federal Armed Forces, the Bundeswehr, are protected.

And then, against that background, I will explain the Parliamentary Commissioner's main tasks and very specific remit and opportunities to exercise oversight.

Ladies and Gentlemen,

Germany's constitution, the Basic Law, guarantees the basic rights pertaining to freedom, equality and inviolability enjoyed by citizens in Germany, not only vis-à-vis the state but also within society at large. Most of these basic rights are also human rights.

The Basic Law makes specific mention of the protection of soldiers' basic rights. This reflects an entirely new understanding of the role of armed forces personnel in a democracy under the rule of law.

The Parliamentary Commissioner for the Armed Forces is appointed to safeguard these fundamental rights of armed forces personnel. This too is governed by the provisions of the Basic Law.

In other words, the Basic Law makes it very clear that a soldier, according to the will of the legislator, is not simply there to take orders. On the contrary, a soldier is a citizen in uniform. This means that a soldier's civil rights, especially the fundamental rights guaranteed to him – or her – by the Basic Law, must be safeguarded. The soldier should be an informed and thinking bearer of rights and obligations. In accordance with these principles, armed forces personnel –

and, indeed, the armed forces more generally – are protected and subject to oversight, which is exercised, not least, by the Parliamentary Commissioner.

Unceasing respect for and realisation of basic rights – and that means human rights as well – in the German armed forces and by those armed forces are central elements of the principles of *innere Führung* – a concept which encompasses leadership and civic education in Germany’s armed forces.

The notion of *innere Führung* – which translates as “internal leadership” – goes beyond the safeguarding of the rights that I

have just mentioned. We define human rights not only as the classic rights of defence against the state. The principles of internal leadership require more senior officers to act as role models. Orders, for example, must be explained in a manner which ensures that they are properly understood. Convincing soldiers that there is a credible need for the orders that have been issued means actively experiencing human rights at work. Germany's Federal Armed Forces – the Bundeswehr – endeavour to reconcile the need for obedience to orders with the individual soldier's freedom and human dignity.

And this requires constant oversight, which is where the Parliamentary Commissioner for the Armed Forces comes in.

Ladies and Gentlemen,

Unlike France and the United States, for example, we do not have a presidential system of government in the Federal Republic of Germany; we have a parliamentary democracy. Parliament is responsible for exercising oversight of the executive, and that includes oversight of the armed forces.

The Commander-in-Chief of the Bundeswehr is the Defence Minister. He or she is a

member of the Federal Government, which – embodied by the Chancellor – is elected by Parliament.

Any deployment of German troops therefore requires the prior constitutive consent of the German Bundestag. Among other things, it is this parliamentary right which prompted the Federal Constitutional Court to refer to the German Armed Forces as a “parliamentary army”.

The Bundestag’s Commissioner for the Armed Forces is integrated into this system of parliamentary oversight.

One of the tasks expressly assigned to me under the German constitution is supporting the German Bundestag in its exercise of parliamentary oversight of the armed forces; another is safeguarding soldiers' rights.

Upon request, I must be given the opportunity to inspect any file and review any order. I have the right to visit any authority and place of deployment at any time without advance notice and to speak with service personnel of all ranks.

Of course, I cannot singlehandedly solve the problems that may, as a result, come to light.

As a Parliamentary Commissioner, I myself have no powers to issue orders or instructions to the armed forces. What I can do is request the senior officers responsible to remedy the situation. I can also make recommendations. These “requests” and recommendations carry substantial weight, however, for the Parliamentary Commissioner for the Armed Forces has the backing of Parliament, which grants the Commissioner his or her mandate and is the institution responsible for exercising ultimate oversight of the armed forces.

Ladies and Gentlemen,

If the Parliamentary Commissioner does identify and address shortcomings and problems, he or she is quickly confronted with the political tensions that exist between the Government and the Opposition, and the tensions existing between Parliament and Government.

The Parliamentary Commissioner is thus located at the very heart of the political process, and this is quite deliberate.

The Parliamentary Commissioner always has a role to play when the protection, safety and security of armed forces

personnel are at stake. So what does this mean in practice? It means occupying the political space and, if necessary, engaging with operational issues.

Ladies and Gentlemen,

I should like to conclude with one aspect which is very important to me in my capacity as Parliamentary Commissioner, namely international cooperation in the field of human rights and internal leadership.

Democratic oversight of the armed forces in Germany is recognised internationally as a model of best practice. It is both modern and effective.

International interest in the concept of *innere Führung* as a leadership tool, and in the Parliamentary Commissioner as an institution and a mechanism for parliamentary oversight of the armed forces, is considerable. We very often welcome overseas delegations (from Indonesia, the CIS states, China, Vietnam and South America, among other countries), who are keen to learn more about the Parliamentary Commissioner's role and functions. Members of my staff have attended conferences on this topic in Chile, Argentina, Armenia, Georgia, Azerbaijan, Bosnia and Herzegovina and elsewhere.

This dialogue at the international level on the safeguards afforded to basic and human rights is, in my view, beneficial for all sides and should be further intensified.

Thank you for listening. I look forward to what I hope will be a very lively discussion.