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Total Defence

How Germany should implement a whole-of-government national and collective defence

by *Philipp Lange*

Ever since Russia violated the borders of its neighbour Ukraine and began aggressively pursuing its geo-strategic interests through “hybrid warfare”, the European peace order has been repeatedly called into question. Once again, national and collective defence are a hot topic in Germany and the rest of Europe. A direct military conflict with Russia is unlikely, but not impossible. As a country in the middle of Europe, Germany is directly affected and should define its basic concepts for overall defence at the whole-of-government level and fundamentally redesign them in keeping with the new threats.

Why total defence?

In one of its latest military exercises *Zapad 2017*, Russia simulated a scenario that most likely represented capture of the Baltic states and defence against a counterattack by the NATO countries. While Germany was a secondary theatre of war in this exercise, its role as a logistic hub for NATO meant that its ports and airports, military camps and barracks, power plants and IT infrastructure offered civilian and military targets whose elimination by Russian offensives would considerably impair NATO’s ability to respond effectively. It is clear that a scenario of this nature is only conceivable in a situation in which the most vital interests of Putin’s powerful inner circle in Russia were threatened such that he would be willing to accept a war. However, NATO planners assume that Russia’s initial measures against the Western military alliance would not be directly confrontational, but rather concealed actions using civilian, military and other governmental means. Destabilising societies through cyber and information warfare and the appearance of “little green men” as a disguised invasion would be possible means of avoiding a direct conflict for as long as possible, as was the case in Crimea. Use of the term “hybrid warfare” to refer to this approach has long since spread beyond experts in the field. These multifaceted threats raise the question of what preventive measures should be taken, not only to contribute to deterrence, but also to provide a viable response in an emergency. Germany already makes military contributions to combat units and exercises on NATO’s eastern flank in the interest of deterrence. The Federal Ministry of Defence has also started reversing past trends in an effort to improve the state of the Bundeswehr and its equipment. But is that enough?

The members of NATO agree that the effectiveness of deterrence is not based solely on the force level at the Alliance’s borders, but also on the conviction that any member country that could potentially be attacked is backed by the world’s most powerful military alliance. This Alliance’s true power is based on its ability to mobilise all of its military, technical and economic resources. Germany’s geographical location in Central Europe means that the Federal Republic would be the central strategic hub for comprehensive collective defence or even preliminary stages of it. At the same time, this would also make Germany a major target for adversaries. Russia underestimating the Alliance’s capabilities or NATO’s failure to credibly demonstrate its ability to mobilise and project military power using Germany as a hub could have a negative

effect on deterrence. To avoid this situation, we need coordinated, preventive defence efforts in both civilian and military areas. On their own, the armed forces have only a limited ability to take and sustain action. In this context, the entire state needs a comprehensive approach to security that will once again prepare it for scenarios that were considered relicts of the Cold War for years. Responsible security and defence policy means at least considering the possibilities that would exist if deterrence failed and preparing appropriate concepts for this eventuality. This approach includes a broad spectrum of possible measures ranging from increasing the supply of fuel to the armed forces and protecting power grids under the conditions of a massive cyberattack, to protecting the population from air raids.

With that mind, the federal government drew a fitting conclusion in its 2016 white paper: “The successful prevention of hybrid threats calls for state and whole-of-society resilience and thus comprehensive defence capabilities.” However, this kind of defence cannot be provided solely by the armed forces, but requires whole-of-government preventive measures. In other words, the issue is not only eliminating the forces’ materiel deficits, but rather making efficient use of the entire state’s potential.

Putting total defence to the test

Above and beyond the white paper’s reasoning, there is a broad range of possibilities for designing the actual concepts for appropriate defence measures derived from the existing legal system and the guidelines set out in the white paper. The last time that the planning parameters for Germany’s civil and military defence were supplemented with an umbrella document defining the responsibilities and tasks involved in Germany’s overall defence was in 1989, when the Framework Guidelines for Total Defence (RRGV) were issued. Accordingly, these parameters have not been updated since before German reunification, despite all the changes in security policy and the requirements of joint decisions made by NATO members since 2014.

The framework for further development of overall defence is subject to not only two key constants, but also two fundamental changes. One of the constants is the insight that defence cannot be restricted to military measures by the Bundeswehr, that is, it must be considered at the whole-of-government level across all federal ministries and federal states. The second constant is that defence within the Alliance could involve allied forces on German territory, for example forces marching through Germany or being employed from Germany for collective defence.

Yet – even setting German reunification aside – there have also been two key changes that necessitate a revision of the parameters. For one thing, Germany would no longer be a frontline state in a conflict of this nature. Following requests for membership by Eastern European countries, NATO and the EU have expanded up to the borders of Russia, Belarus and Ukraine. If a conflict of this nature occurred today, individual NATO members on the fringes of the Alliance such as Poland, Romania and the Baltics states would face the kind of fight for survival that Germany feared until 1989. NATO would primarily need Germany as a transit and host nation for allied forces who would have to quickly move to the borders of the Alliance. As a secondary theatre of war, the Federal Republic would not have to fear occupation by foreign forces, but could nevertheless become a target of attacks, particularly by air and sea.

The second key factor is the changed face of war. In most European countries governed by the rule of law, whole-of-government mobilisation measures such as calling up reservists and suspending civilian use of traffic routes are subject to identifying a state of external crisis or national defence, which requires extensive political consultations and often also a decision by the parliament. An adversary taking “hybrid” action could take advantage of this fact by putting off open combat actions or denying their use while employing lower-threshold means until it is too late for the country under attack to take suitable measures. For this reason, it is far more difficult to identify preparations for an attack than it was during the decades when all it took was counting the Warsaw Pact’s armoured formations along the inner German border.

The Basic Law: more limits than possibilities?

Under these conditions, defining the nature of total defence in Germany largely depends on the extent to which the Basic Law for the Federal Republic of Germany (*Grundgesetz*, GG) allows measures to be taken for the changes outlined and how political decision-makers interpret them. However, discussions that conflate the concepts of defence, national and collective defence with that of a state of defence often result in differing interpretations of what is possible.

Military and civil defence against external threats is an essential responsibility of the federal government (Article 73(1) of the Basic Law). Civil defence includes maintaining the authority of the state and government, protecting the civilian population and supporting the armed forces' defence capabilities. In terms of the military, "The Federation shall establish Armed Forces for purposes of defence". According to Article 87a(1) of the Basic Law, defence is not only within the federal government's authority as stated in Article 73, but also a task that it is directly responsible for performing. This task includes not only establishing armed forces, but also providing them with the necessary equipment and personnel to accomplish their mission of defence as well as possible. However, the concepts of defence and a state of defence are neither defined in identical terms, nor are they necessarily identical in practice – at least since NATO's eastward expansion. The "state of defence" defined in Article 115a(1) of the Basic Law requires that there be an attack on German territory or the imminent threat of such an attack.

In order to defend Germany's territorial integrity in the event of an attack, the Basic Law calls for extensive measures to mobilise resources and employ the armed forces during a state of defence. Until 1989, preparations for an emergency of this nature were defined in the interministerial Framework Guidelines for Total Defence. But that was when Germany was still a frontline state. In practice, collective defence and the state of defence formed a single unit. In contrast, Germany is now the geographical centre of both the EU and the NATO's extended territory in Europe. If we apply the scenario of Russia's 2014 occupation of Crimea to the Baltic states, where German troops are even stationed at this time, Germany would still not necessarily be in a state of defence. However, the Federal Republic would have to ensure that the new NATO forces and materiel arriving via Germany reached the borders of the Alliance quickly.

In this regard, the requirements for deterrence and collective defence have changed radically since 1989. In order to reinforce the armed forces, deploy additional forces, and establish and maintain the "readiness" NATO requires, the Bundeswehr would need civilian support in terms of materiel and supplies, even if Germany's national territory were not directly under attack. The same would apply to allied forces located in the logistic hub of Germany within the framework of host nation support. However, because Germany's Basic Law states that the country is at peace until German national territory is directly threatened, the armed forces would not have any additional powers within Germany, such as controlling traffic as stipulated in Article 87a(3) of the Basic Law, in this case. At the same time, it seems logical that collective defence in the Alliance but outside of Germany would also require special provision of resources and forces.

Invoking Article 5 and approval by the Bundestag

How can we ensure collective defence outside of a state of defence when German and allied soldiers are deployed outside of Germany's borders? Article 80a(1) of the Basic Law initially refers to a "state of tension" as a precursor to a state of defence. If the Bundestag determines that a state of tension exists, the Bundeswehr is authorised to exercise additional powers, perform additional tasks, and take measures to protect the civilian population, within Germany. However, a state of tension can only be determined if the Bundestag believes that there is a sufficiently high likelihood of a state of defence, i.e. if German territory is threatened.

Nevertheless, Article 80a describes not only states of defence and tension, but also other cases that could justify expanded support for the Bundeswehr and allied armed forces. In cases of “specific approval”, the Bundestag is permitted to apply provisions that already have legislative approval even without declaring a state of tension or defence. These provisions are known as dormant bills or emergency control laws. These emergency control laws allow intervention in the areas of labour, food, transportation, water supplies, the economy, mail and telecommunications even below the threshold of a state of defence for the purposes of civil defence, in other words, to supply and service the civilian population, the armed forces and other requesting agencies. The technical requirements for the parliament to apply these laws in an international crisis situation are less demanding than for a state of tension. They are intended for situations in which the criteria for states of tension and defence have not yet been met, yet the Federal Republic is forced to act.

This could be the case if, for example, the aforementioned ambiguous scenarios of hybrid warfare against NATO or the EU required rapid deployment of forces within the Alliance involving movement through Germany. In addition, these laws can also be applied within the framework of a decision made in an alliance and approved by the federal government as stipulated by Article 80a(3) of the Basic Law. Once again, this could occur even below the threshold of a German state of defence, for example, if members of NATO invoked Article 5 of the North Atlantic Treaty. In this case, application of the laws would only require the federal government’s approval of invoking Article 5 in Brussels.

In this way, the Basic Law allows for various levels of appropriate constitutional actions to prepare for defence within the Alliance and for deterrence measures even below the threshold of a direct attack on the Federal Republic of Germany. Further development of the Framework Guidelines for Overall Defence based on this law should achieve two effects: on the one hand, it would be a suitable means of efficiently meeting the needs of national and collective defence. On the other, it could serve as the ultimate safeguard for national security provisions if deterrence failed.

Designing whole-of-government total defence

Against this backdrop, the federal government must adapt its defence planning in keeping with the changes to Germany’s geographic position within the Alliance and to the face of war in the 21st century. The processes and structures described as of 1989 in the Framework Guidelines for Overall Defence should be reviewed in order to ensure that the possible constitutional actions could actually be taken in a state of defence or tension, in case of specific approval by the Bundestag or in an Article 5 contingency. Responsibilities must be reassigned, for example for the German Federal Police, the organisation that replaced the now-defunct Federal Border Guard, and for the Bundeswehr careers centre that replaced the selection and induction offices. Appropriate mobilisation measures must be practised with the Bundeswehr and other relevant ministries and government agencies. In this context, the ability of government bodies and institutions, critical infrastructure such as power plants and airports, and civilian and military headquarters and their alternate locations to protect themselves in a state of tension or defence must be re-evaluated. This coordination task applies to potential conflicts over the distribution of resources between military materiel and providing the necessary services and supplies to protect the civilian population. In order to meet civil and military requirements in emergency scenarios, it is necessary to design and advance the logistics and supply systems for government agencies and the Bundeswehr to ensure operational armed forces without causing a conflict with supplies and services for the population. One possible example would be providing fuel during a massive cyberattack on the power and energy grids if petrol stations were out of service because they are operated electronically. Allied forces must also be enabled to quickly move through Germany to their place of deployment. An additional framework agreement with formerly government-run service providers that have been (partially) privatised since 1989, such as the Deutsche Bahn railway company or the postal and telecommunications service providers, would be an appropriate solution for additional preparation.

NATO has debated the establishment of a “Military Schengen Area”. An agreement of this nature would allow the armed forces’ troops, vehicles and aircraft to be moved freely through Europe to the external borders of NATO even during peacetime operations, in a similar manner to the free movement of goods within the EU. If the idea of this military Schengen Area gains acceptance, its far-reaching consequences would also necessitate whole-of-government implementation in Germany. Because of Germany’s geographical location, it would make sense to establish a multinational logistics command on German soil for implementation.

Conclusions

In order to ensure credible defence capabilities for NATO and fulfilment of the mutual defence commitments within the EU, Germany also needs to define its basic concepts of total defence at a whole-of-government level and fundamentally redesign them in keeping with the new threats. This would make an essential contribution to the whole-of-government resilience of the Federal Republic and German society in the event of the emergencies the country strives to prevent. Pending political continuity in Berlin, these measures will have to account for demographics, financial feasibility and especially acceptance in our society. However, this objective and the efforts associated with it can neither be achieved in the short term, nor at no cost.

At the same time, representative surveys show that, in the wake of 2014, around 50 percent of Germans already supported increases in defence spending and the Bundeswehr’s force level – the first time that this response was virtually a majority opinion – while about one third believed that the current funding and soldiers were sufficient. This trend continued through the end of 2017 such that at least two thirds of the German population were in favour of both collective defence in general and support for allies.¹ Against this backdrop, a federal government redesigning the concept for overall defence could at least rest assured that, even if this project is not a very popular one, it reflects the will of many voters.

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¹ Bundeswehr Centre of Military History and Social Sciences (2017): Public opinion climate related to security and defence policy in the Federal Republic of Germany [in German], http://www.zmsbw.de/html/einsatzunterstuetzung/downloads/1_171220kurzberichtbevoelkerungsumfragezmsbw2017aktualisiertneu.pdf, p. 64-65.