

# Federal Republic of Germany

## Key Data on Germany 1997, S12-15

The Federal Republic of Germany is a democratic and social federal state. Its Constitution is the Basic Law of 23 May 1949, last amended by the law of 3 November 1995. Since the accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990, its member states have been the Länder of Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hessen, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia.

According to Article 1, Para. 1 of the Basic Law, the dignity of man is inviolable, and to respect and protect it is the duty of all state authority. The dignity of man is the supreme value and the core of the Constitution.

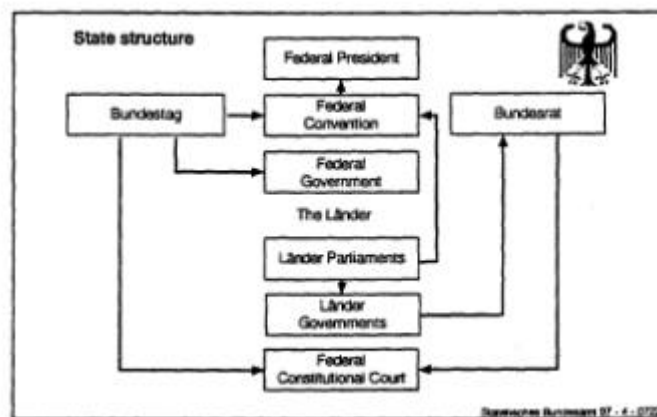
Therefore, a major function of the state is the protection of human and civil rights. The Federal Republic of Germany is a constitutional state. This means that the legislature is bound by the constitutional order, while the executive and the judiciary are bound by law; anyone may

have recourse to law against the governmental power. In the Federation and the Länder, all Germans can elect their representations in general, direct, free, and equal elections, thus determining who is to govern - for a limited period of time. "All state authority emanates from the people"; this is declared in the Basic Law (Art. 20, Para. 2).

Head of State of the Federal Republic of Germany is the Federal President who is elected for a five-year term by the Federal Convention. He may be re-elected once. The Federal Convention consists of all members of the Bundestag and an equal number of members elected by the Länder Parliaments according to the rules of proportional representation. Federal Presidents of the Federal Republic of Germany were Theodor Heuss from 1949 to 1959, Heinrich Lübke from 1959 to 1969, Gustav Heinemann from 1969 to 1974, Walter Scheel from 1974 to 1979, Karl Carstens from 1979 to 1984, and Richard von Weizsäcker from 1984 to 1994. In 1994, Roman Herzog was elected to

become Weizsäcker's successor.

The members of the Bundestag are elected every four years. For the election of these 656 Members of Parliament, the electoral law of the Federal Republic of Germany provides for a System of proportional representation (328 Members of Parliament elected with relative majority in the constituencies, the others according to Land party lists). The persons entitled to vote may cast their first vote for the election in the constituency and their second vote for the election of a Land party list. Those parties which receive five or more percent of the second votes in the electoral territory or directly obtain a seat in at least three constituencies will participate in the allocation of seats.



The two chambers, Bundestag and Bundesrat, are the legislative bodies of the Federal Republic of Germany. The main functions of the Bundestag, apart from legislation, are the election of the Federal Chancellor and the scrutiny of the Federal Government. The activities of the Bundestag are

performed not only in the plenum but also, and especially, in the committees. Through the Bundesrat, the Länder participate in the legislation and administration of the Federation, and in European Union matters. The members of the Bundesrat are appointed and recalled by the Länder Governments. They can vote only collectively per Land and are bound by the instructions given by their respective Länder Governments. The total of 69 votes is divided among the 16 Länder according to the number of their inhabitants. Each of the Länder has at least three and not more than six votes.

The Federal Government participates in the legislative process mainly by introducing bills and issuing ordinances on the basis of special legal authorization. It consists of the Federal Chancellor who is elected by the Bundestag on the proposal of the Federal President, and the Federal Ministers who are appointed and dismissed by the Federal President on the proposal of the Federal Chancellor.

### Results of parliamentary elections in percent

Election	Election year	Parties' shares in valid votes					
		SPD	CDU, in Bavaria CSU	F.D.P.	GREENS	PDS	Others
<b>Elections to the Länder Parliaments</b>							
Baden-Württemberg.....	1996	25.1	41.3	9.6	12.1	-	11.9 <sup>1)</sup>
Bavaria.....	1994	30.0	52.8	2.8	6.1	-	8.2
Berlin <sup>2)</sup> .....	1995	23.6	37.4	2.5	13.2	14.6	8.6
Brandenburg <sup>2)</sup> .....	1994	54.1	18.7	2.2	2.9	18.7	3.3
Bremen.....	1995	33.4	32.6	3.4	13.1	2.4	15.2 <sup>3)</sup>
Hamburg.....	1993	40.4	25.1	4.2	13.5 <sup>4)</sup>	-	16.8 <sup>5)</sup>
Hesse <sup>2)</sup> .....	1995	38.0	39.2	7.4	11.2	-	4.2
Mecklenburg-Western Pomerania <sup>2)</sup> .....	1994	29.5	37.7	3.8	3.7	22.7	2.6
Lower Saxony <sup>2)</sup> .....	1994	44.3	36.4	4.4	7.4	-	7.5
North Rhine-Westphalia.....	1995	46.0	37.7	4.0	10.0	-	2.3
Rhineland-Palatinate <sup>2)</sup> .....	1996	39.8	38.7	8.9	6.9	-	5.7
Saarland.....	1994	49.4	38.6	2.1	5.5	-	4.4
Saxony <sup>2)</sup> .....	1994	16.6	58.1	1.7	4.1	16.5	2.9
Saxony-Anhalt <sup>2)</sup> .....	1994	34.0	34.4	3.6	5.1	19.9	3.1
Schleswig-Holstein.....	1996	39.8	37.2	5.7	8.1	-	9.1 <sup>6)</sup>
Thuringia <sup>2)</sup> .....	1994	29.6	42.6	3.2	4.5	16.6	3.6
<b>Election to the Bundestag<sup>2)</sup></b>							
Germany.....	1994	36.4	41.4 <sup>7)</sup>	6.9	7.3	4.4	3.6
<b>European Election</b>							
Germany.....	1994	32.2	38.8 <sup>8)</sup>	4.1	10.1	4.7	10.2

1) REP 9.1 % - 2) Second votes. - 3) A/B 10.7 % - 4) GREENS/GAL. - 5) STATT Party 5.6 % - 6) DVU 4.3 % - 7) CDU 34.2 %, CSU 7.3 % - 8) CDU 32.0 %, CSU 6.8 %

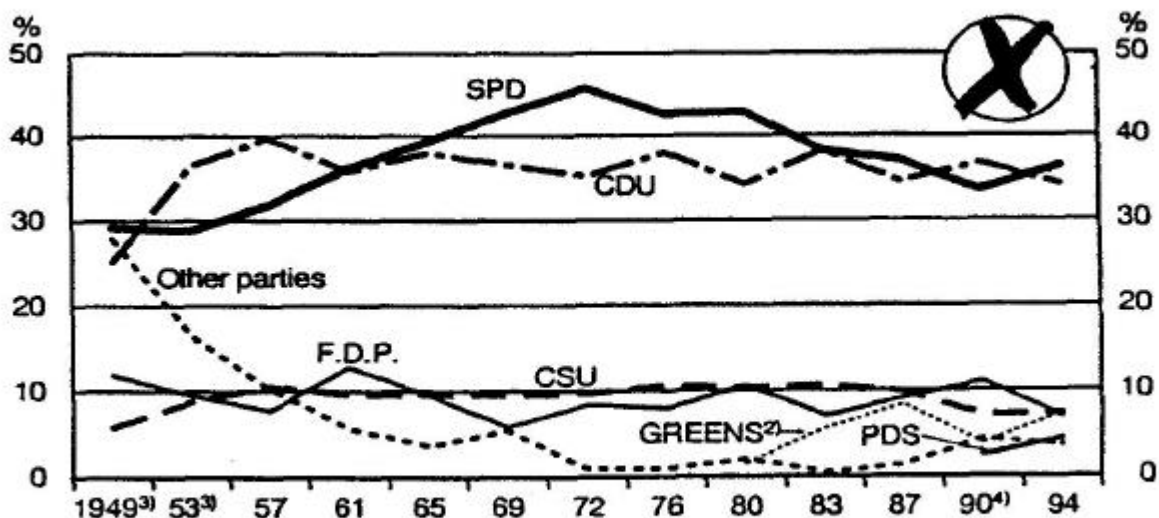
Executive power is generally vested in the Länder, unless otherwise provided for or permitted in the Basic Law.

Under the Basic Law, judicial authority is vested in the judges.

It is exercised by the Federal Constitutional Court, the federal courts provided for in the Basic Law and the courts of the Länder, with the Federal Constitutional Court in its capacity as the "Guardian of the Constitution" occupying a special position. It decides in particular on the interpretation of the Basic Law in the event of constitutional disputes between government organs, on the compatibility of federal and Länder law with the Basic Law (judicial review) as well as on complaints lodged by individual citizens in constitutionality matters.

The jurisdiction of the Federation - not regarding the Federal Constitutional Court - is limited to the supreme courts of the individual court branches: Federal Court of Justice, Federal Administrative Court, Federal Finance Court, Federal Labour Court, Federal Social Court as well as Federal Patent Court and Federal Disciplinary Court. The courts of intermediate and lower instance and courts of the Länder.

### Share of the vote<sup>1)</sup> in the Bundestag elections



1) Since 1953 second votes. - 2) 1990 incl. B90/Gr. - 3) Excl. Saarland. - 4) First all-German elections.