
Kurzinformation

The Presence of Explosive Weapons and Remaining Ordnance, as well as their Consequences in Germany

This brief information outlines legal aspects of the presence of explosive weapons and ordnance on the soil of the Federal Republic of Germany, as well as legal and administrative aspects of their disposal.

1. International instruments signed and ratified by Germany dealing with the use of explosive weapons

Germany signed and ratified the following international instruments dealing with the use of explosive weapons:

- The Hague Conventions 1899 and 1907
- Geneva Conventions 1949
- Convention on Certain Conventional Weapons (“CCW”) 1980 + Protocol I-V
- Ottawa Convention 1997
- Convention on Cluster Munitions (“Oslo-Convention”) 2008

2. German legislation on the use of explosive weapons

The *War Weapons Control Act*¹ („Kriegswaffenkontrollgesetz“) regulates the production, transfer, marketing, acquisition and transport of objects, substances or organisms intended for warfare. German law distinguishes between weapons and war weapons, the latter being listed in the *War Weapons Control Act*. According to the ‘War Weapons List’ in Annex 1 to Section 1 (1) of the *War Weapons Control Act*, the regulation also includes explosive weapons.

¹ [Act Implementing Article 26 \(2\) of the Basic Law](#) (War Weapons Control Act)

The *War Weapons Control Act* contains, on the one hand, in Sections 19 to 21 penal provisions concerning certain war weapons, on the other hand, Sections 1 to 5 contain provisions according to which the production, transport and placing on the market can be approved by the authorities under certain conditions.

3. Landmines and unexploded ordnance as result of former armed conflict(s) on German soil

3.1. Measures taken by Germany to remove such ordnance

On the territory of the Federal Republic of Germany, unexploded bombs and explosive ordnance are hidden in soil and water. They originate from the times of the two World Wars or from the intended military use of the site. The “*Act on General Consequences of War*” („Allgemeines Kriegsfolgenengesetz“, 1957) determines, which legal claims have expired as a result of the collapse of the “Third Reich” and which are to be fulfilled by the Federal Republic of Germany. It stipulates that the state must, among other things, fulfill the task of averting immediate dangers to human life or health. The removal of non-exploded ordnance from World War I and II generally falls within the responsibility of the Federal Republic of Germany.

3.2. Responsibilities for the disposal of explosive weapons and ordnance located on German soil

The German Basic Law („Grundgesetz“) regulates the responsibility of Germany’s federal states („Bundesländer“) for removing explosive ordnance and explosive ordnance residues from the time of World War I and II (cf. Articles 30, 70, and 83).

The explosive ordnance disposal is regulated very differently in the federal states concerned, namely by so-called “Explosive Ordnance Regulations” („Kampfmittelverordnungen“). The task of explosive ordnance disposal is predominantly assigned to the local authorities. For this purpose, the federal states have established special services.

3.3. Official data on the displacement of people or the prevention of their return to their homes as result of the use of landmines and other unexploded ordnance

Official data on the displacement of people as result of landmines and other unexploded ordnance is not available. Consequently, there is also no data on people who could not return to their homes as a result of landmines and other unexploded ordnance.

4. Summary

The German Federal Republic signed and ratified a multitude of international instruments dealing with the use of explosive weapons, like the Geneva Conventions, The Hague Conventions of 1899 and 1907, CCW, Ottawa-Convention, and the Oslo-Convention.

In Germany, the use of explosive weapons is regulated by the *War Weapons Control Act* („Kriegswaffenkontrollgesetz“).

As a measure to oblige the German Federal Republic to remove the ordnance remaining from World War I and II, the “Act on General Consequences of War” („Allgemeines Kriegsfolgenengesetz“) was enacted. The German Basic Law states, that Germany’s federal states are responsible for the removal of explosive ordnance.

For further information, cf.:

- German Foreign Office, [Humanitäres Minen- und Kampfmittelräumen](#), 28 March 2023.
- Research Services of the Bundestag, [Kampfmittelaltlasten in Deutschland – Ein Überblick](#), WD 2 - 3000 - 032/22, p. 6, 11.
- Research Services of the Bundestag: [Dethlinger Teich – Entsorgung von Rüstungsaltlasten](#), WD 7 – 3000 – 042/15, p. 5 ff.
- Research Services of the Bundestag, [Fragen zur Beseitigung von Luftminen](#), WD 3 - 3000 - 096/18, p. 3 ff.
- Federal Ministry of Finance, [Beseitigung von Kriegsfolgen weiterhin große Herausforderung](#), 6 April 2022.
