

REPORT ON CONSTITUTION OF GERMANY

INTRODUCTION

Germany, officially, Federal Republic of Germany, is situated in Central and Western Europe. It is the second most populous state of Europe after Russia. The capital of Germany is Berlin while, Frankfurt is the country's financial capital and has the busiest airport (much like Islamabad being our capital while Karachi being financial and transport hub).

Germany has been through a lot of formations:

Formation Name	Formation Date
Kingdom of Germany (largest kingdom) under Holy Roman Empire	2 February 862
German Empire	18 January 1871
Weimar Republic	9 November 1918
Nazi Germany	30 January 1933
West (FRG - Western Allies) and East (SRG - Soviet) Germany	1945
Reunification (Two Plus Four Treaty b/w France, US, UK and USSR)	3 October 1990

The current constitution of Germany, known as Basic Law, was adopted on 8 May 1949 and was amended into its current form in 1990 when Four Allied forces came for a reunification.

The term constitution was deliberately avoided as the drafters regarded Basic Law as an interim arrangement for a provisional West German state, expecting that an eventual reunified Germany would adopt a proper constitution "freely adopted by the German people". Nevertheless, it was never submitted to a popular vote, either in 1949 or in 1990.

Form of Government

Federal Republic Parliamentary

Germany Federation

Germany has 16 constituent states which retain a certain level of sovereignty. Berlin, Hamburg and Bremen are city states while the other 13 states are area states.

Constitutional Institutions

Germany has separation of powers through trichotomy of Executive, Legislature and Judiciary.

Executive

Executive body consists of:

- Head of State
- Head of Government
- Cabinet
- Agencies

Head of State

Head of State is Federal President.

Head of Government

Head of Government is Federal Chancellor (4-year term).

Cabinet

Cabinet consists of Federal Chancellor and 15 Federal Ministries.

Legislature

It is divided into Bundestag and Bundesrat. Bundestag is more powerful and is directly elected by the people for a 4-year term. Bundesrat changes with state elections.

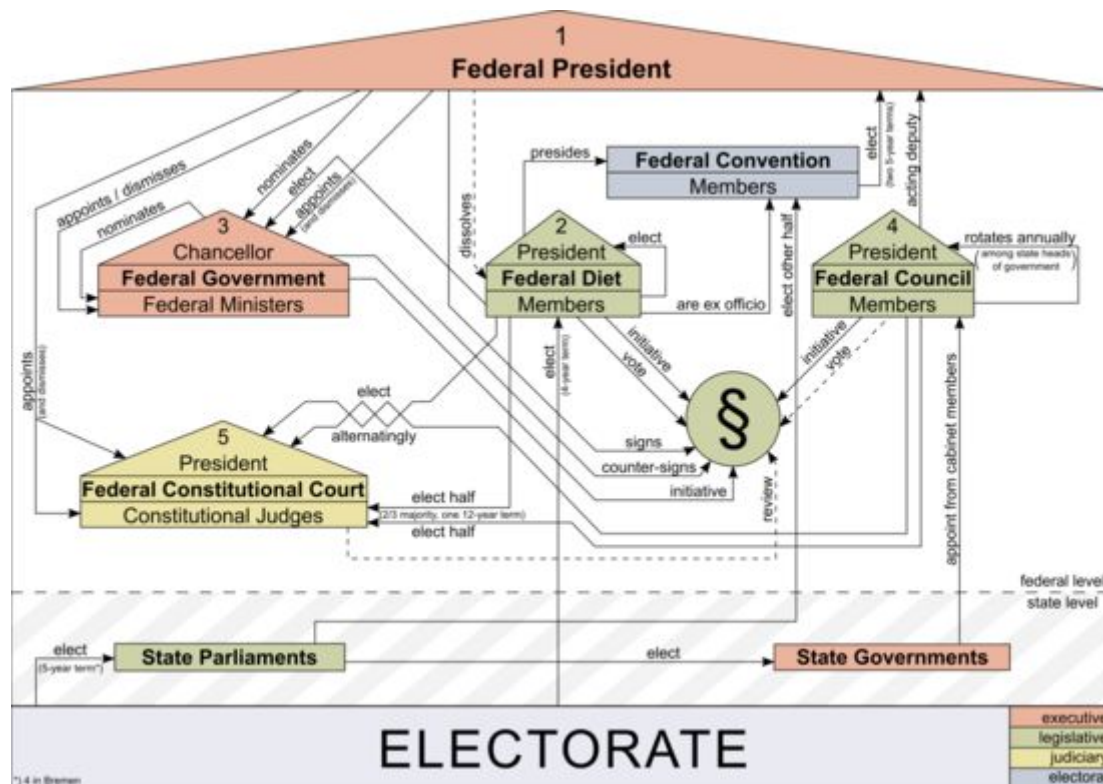
Judiciary

Germany follows the civil law tradition. The judicial system comprises three types of courts.

Ordinary courts, dealing with criminal and most civil cases, are the most numerous by far. The Federal Court of Justice of Germany (Bundesgerichtshof) is the highest ordinary court and also the highest court of appeals.

Specialized courts hear cases related to administrative, labour, social, fiscal and patent law. Constitutional courts focus on judicial review and constitutional interpretation. The Federal Constitutional Court (Bundesverfassungsgericht) is the highest court dealing with constitutional matters.

Procedure for Electing Different Bodies



Emergency Provisions

In the postwar Federal Republic of Germany the Emergency Acts state that some of the basic constitutional rights of the Basic Law may be limited **in case of a state of defence, a state of tension, or an internal state of emergency or disaster**. These amendments to the constitution were passed on May 30, 1968, despite fierce opposition by the so-called extra-parliamentary opposition.

Judicial Review

The constitution of the Federal Republic of Germany establishes a **separate Federal Constitutional Court of Germany** that is empowered with reviewing acts of the legislature for their constitutionality. The Federal Constitutional Court of Germany can even review and reject constitutional amendments on the grounds that they are contradictory to the rest of the Federal Republic Constitution.