



Security has a social dimension

EDITORIAL

Victory or defeat: focus on the soldier

European soldiers participate increasingly in difficult crisis-management operations in geographically remote areas.

Awareness is rising that the success or failure of a many modern military mission depends not only on the “hardware”, the weapons and high-tech materiel used, but more and more on the “human factor”, the individual soldiers. Post-conflict stabilization missions demand highly developed human skills such as the capacity for positive interaction with civilian actors like the local population, independent situation judgment and language skills. The range of tasks given to soldiers goes nowadays beyond war-fighting and counter-insurgency to include policing, humanitarian and development aid and even community-building. The growing number of casualties in Afghanistan demonstrates that these are difficult missions which put a considerable burden on the soldiers on the ground.

The individual soldier plays an in-

creasing role. The well-being of this “strategic corporal” should thus get a totally new importance, not only for the defence forces but also for the political leadership. Especially in times of growing recruitment shortages and difficulties to retain experienced soldiers and particularly, when the exit-strategy is for many operations not yet in sight. It is thus a first positive sign that the concerns of European soldiers have found an echo in the European Parliament as you will read in this newsletter.

The representative associations of soldiers promote the social and professional interests of their members. In this newsletter we feature contributions from Denmark, Germany and the Netherlands which share one and the same motif: the well-being of soldiers. Our Dutch friends step forward with the demand for common minimum standards on operational welfare and medical care. Soldiers serving under the same flag and in the same mission must benefit from the same advanced social conditions.

EUROMIL is the main forum for cooperation among the representative associations of European soldiers. Efficient, often informal exchange of information and experiences benefit the individual associations in their national work. The recent case



when two EUROMIL member associations consulted another on the security of planned capabilities for medical evacuation in the framework of the EUFOR Tchad mission is a good example where networks built within EUROMIL were used to the direct benefit of soldiers in the field.

The cooperation between armed forces in Europe will continue to intensify. So does the cooperation between EUROMIL's member associations - with the promotion of the social and professional interests of soldiers as the *raison d'être* of our European umbrella organization.

I wish you good reading moments with the latest newsletter of EUROMIL and an invigorating summer holiday.

Yours sincerely,

Mikko Harjulehto
Secretary General

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The need for minimum standards

Soldiers serve more and more in multinational missions and units. Common goals and common tasks oblige. Yet differing social standards and service conditions apply to the soldiers. An unacceptable *status-quo*.

Wim van den Burg is the Chairman of the Dutch Algemene Federatie van Militair Personeel

All European armies participate in missions abroad or send their soldiers to mission-integrated units. During such missions, these soldiers need to serve and fulfil their tasks together with colleagues from other nations. Service, labour law regulations and the characteristics of the different participating armed forces need to conform. Participation in multinational missions has caused several problems that became increasingly evident as cooperation increased. The nations involved have different preconditions with regard to basic rights, service regulations, rewards and socio-political and social aspects. The soldiers serving in the field are very aware of these differences. A cause for discontent and concern among the service personnel.

Speaking with one another in and beyond the EUROMIL meetings we again and again come to the conclusion that many of the problems of the different National Armed Forces operating in missions abroad are common problems. The easiest way to solve these problems would obviously be a consultation platform where the participants can together discuss and solve these problems. But such a platform does not exist in Europe. The day when there is one central European government with a common European foreign, security and defence policy and joint European armed forces, is a long way off. The question is whether there ever will be an institution as a central European government.

However if a political will exists, the route from cooperation within NATO and the EU to a central European armed force can only go via integration. Already in the EU treaty, the formulation is included that a common security and defence policy which comprises the gradual definition of a common defence policy for the Union should lead to a common defence.

But even a common defence policy would not automatically have effects on the service conditions or regulations of the soldier. The EU treaty changes nothing with regard to the present and foreseeable legal situation of the soldiers. These standards should then be further developed to full international regulations binding for all NATO and EU missions.

It is not the case that there would currently be no standards at all. We have for example “The Generic Standards of Behaviour of European Security and Defence Policy (ESDP) operations”. Those standards are used for all ESDP missions and complement the legal obligations that military personnel have to fulfil towards international law and the law of the contributing state. This document requires soldiers to adhere to the principles such as impartiality, personal integrity, discipline, loyalty, courage and respect for others. Also in NATO we have a substantial number of standards of all kinds of subjects like the numerous NATO Standardization Agreements (STANAG's).

But most of these standards are related to operational issues and focus primarily on issues of importance

German and Belgian soldiers on common mission: different standards apply



“National law continues to apply to its soldiers. It is therefore necessary that we focus on the establishment of common standards within the existing European security alliances EU and NATO.”

for the organization itself instead of addressing also the interests of the soldiers.

In what fields do soldiers need common standards? For example in physical and psychological medical care. As yet there is no common standard of medical treatment. This applies not only to the preparation phase of missions but also to the provision of adequate medical facilities in theatre. We do not think that we have to explain how important this subject is for soldiers. But of course that subject is not the only one. Think about common pre-deployment training, personal combat equipment, post-mission adaptation programs and recognition of occupational illnesses related to experiences accumulated during missions.

Given the cultural and social differences between the various European countries, it is in our opinion not realistic to think that we will in the short run be able to develop fully elaborated common standards for all subjects that are of interest to our soldiers.

On the other hand we cannot accept that for many topics which are of great concern to our members, there is no action taken at all.

It is therefore necessary that we start to develop minimum standards for subjects that are in the interest of our members. First of all we should examine which of the topics are in the mutual interest of our soldiers and the defence organizations. For this we can use the already available

EUROMIL information. The Handbook “Multinationality : Joint Missions – Joint Rights? Social Conditions on Missions Abroad” is a for example useful source to provide us with sufficient connecting points.

We are convinced that the willingness of governments and organizations like the NATO and EU to participate in the creation of those common standards will be much greater, if we present the common view of the European soldiers. If we in EUROMIL achieve to highlight the areas where such minimum standards are necessary and we bring this then to the attention of national governments, EU and NATO we will already have made a first and important step in the right direction. Let us take on this mission. We thus serve the interests of our members: these soldiers from our European associations that serve in common missions and units under a common flag, yet under different service conditions.

Photo: AFMP



Dutch medical troops in international operations

European best-practice: German act on military personnel wounded in action

German soldiers are no longer left stranded in case they get disabled. The article describes the new legal provisions which guarantee employment for wounded veterans. The Act was originally initiated by the German EUROMIL-affiliate the DeutscheBundeswehrVerband.

Silke Flemming is a lawyer at the DeutscheBundeswehrVerband.

On several EUROMIL-meetings the DBwV has reported on the German Act which grants wounded soldiers a legal claim to remain in service for life time. As there is a broad interest in the subject we would like to describe the regulations of the Act more in detail.

The Act came into force in December 2007 and is a great success in the social dimension of the transformation of the Armed Forces. It completes another Act from 2002 which already improves the financial help for both military personnel wounded in action as well as for the family members of servicemen/-women killed in action. The DBwV had for a long time lobbied for the improvement of the situation of wounded soldiers so we were glad with this final outcome.

The following points are regulated by the Act:

- The act is effective for all soldiers who are wounded in action (excluding minor injuries like cuts and bruises). The injury may not have been caused by own gross negligence.
- First the casualty has a so-called “time of recovery” in which

he or she has time to recover so far that he/she is able to take up service again. During this time of recovery the soldier has a legal claim to free medical care and to professional qualification. Furthermore there is a “prohibition of dismissal”, which means that he/she may not be pensioned off because of the disability during the time of recovery.

- The time of recovery is limited to eight years at the most. If the time of service of a soldier with a fixed term contract ends during the time of

recovery, the contract is prolonged (unless he/she wishes to quit service).

- During the time of recovery the wounded service personnel is to be considered at all decisions concerning personnel development (promotions etc.) on the basis of his/her work before the accident. So in this respect they are treated as if they were not wounded.

- After the end of the “time of recovery” all wounded military personnel have a claim to remain in service as a professional

Photo: IMZ Bw



German soldiers in Afghanistan

soldier if their “disability rate” is at least 50% and they have proved themselves in a probationary period of six months. That means that also service personnel with fixed term contracts are able to remain in service for life time.

- As an alternative the serviceman/woman has a claim to become a civil servant for life or to get a contract as a state employee. The service personnel concerned thus have a right to choose in which status they want to stay in service.

- The casualty is supported financially regarding his/ her living situation (for example if alterations in his/ her home are needed because of the disability).

Before the coming into force of the

Act service personnel wounded in action were regularly pensioned off. Professional military personnel were better off than those on a fixed term contract basis because of their higher disability pension. Military personnel with fixed term contracts were dismissed without any security worth mentioning, let alone a job perspective for the future. After being wounded while sacrificing themselves for society, they had to look for a job on the civilian job market as disabled persons. The central importance of the Act lies thus in the improvement of the situation of military personnel with a fixed term contract.

Furthermore, a great improvement is the establishment of the “time

of recovery” which can last up to eight years. During that period the casualty remains in service and is helped as well medically as in relation to the career. The overall goal is maximum possible recovery to enable the casualty to take up work again. This is valid for every casualty, no matter what (physical/ psychological) injuries he/she suffered and independent from the rate of disability. No difference is made between professional military personnel and those serving on a fixed term basis either.

EUROMIL Meeting Calendar 2008

25-26	September	Board Meeting	Berlin (DE)
15-17	October	Working Group Human Rights for Members of the Armed Forces Council of Europe	Strasbourg (F)
12	November	Board meeting	Brussels (BE)
13-14	November	Presidium and Congress	Brussels (BE)
29-1	Nov/Dec	Pilot Course “Strong Associations”	Brussels (BE)

Post-Mission Challenges in Denmark

The individual soldier is the core of post-modern warfare. Awareness for the “human factor” of defence is on the rise in Denmark. Not least due to the positive efforts of the Danish military trade unions.

Helena Winther-Ishøy is the Press Officer of the Centralforeningen for Støttemænd (CS)

In Denmark we have an excellent tradition: the Danish Defence Agreement is made every 4 years with an overall political consensus, securing an absolute minimum of political friction over the Armed Forces budget in the 4-year term. However this year things are a bit different.

The last Defence Agreement was made in 2004 in the wake of September 11 and “the revolution in military affairs”. It was the general opinion that wars were to be won through emphasis on high-tech development. The days of traditional warfare were thought to be long gone. The Danish Armed Forces were transformed into a post-modern defence based on the concept of a *first in-first out* strategy. The transformation of the Armed Forces was remarkable and has served as a great example to many NATO-member states.

But one thing was forgotten – the soldier.

The working conditions of the soldier were never really a political issue. It was a matter between the Armed Forces as the employer and the personnel organisations as representatives of the employees. Not so any more...

In the recent years the working conditions of the soldiers have become a matter of great public interest, hence therefore also a matter of political opinion and debate. The catalysts of this development are, of course, the wars in Iraq and Afghanistan. These two wars have stopped all talk of a revolution in military affairs where computers and high-tech equipment would be the main components. Now the strategy is: Win the hearts and minds of the local population! This can only be achieved by the human efforts of the soldiers.

Another outcome of these wars is the mounting number of soldiers with physical and/or mental wounds. This problem was politically ignored for a long time. The prevailing cases of PTSD are still found among soldiers who served in the Balkans, but a dark cloud looms ahead. The first cases from Iraq and Afghanistan have begun to tick in, and it leaves everybody with a grim feeling that the worst is yet to come. There is therefore a growing general consensus that action must be taken now on both a political and an administrative level.

Today the soldier is recognized as indispensable not only in the field, but behind the lines as well. For the first



Photo: defencetalk.com

Danish Armed Forces in Iraq

time ever the soldier and his/her working conditions are a specific topic on the agenda of the National Defence Committee, which began its work in February 2008 and is expected to conclude its work in February 2009 in time for the negotiations prior to the new defence agreement for 2010-2014.

What will be the outcome of these negotiations?

We have reason to expect that at least the following issues will be on the agenda:

1. The current alarming deficiency of personnel on all levels. This must be solved on a political as well as on an administrative level. Currently the Armed Forces have a shortage in personnel of about 2000 soldiers. This has a serious impact on the manning of international mission and the daily maintenance of materiel and equipment.
2. Post mission injuries – both physical and mental injuries that require professional treatment.
3. Train-as-you-fight-materiel must be available for both training and missions. As it is right now, there is a lack of materiel for training, as all available equipment is in the mission areas.
4. Establishment of a veteran policy: As of now there is no single policy or guideline as to the services, needs, and future planning for all veterans from the missions on the Balkans, in Iraq and Afghanistan. This will in many ways overlap with point number 2.
5. The development of a national (foreign) security strategy with goals and success criteria for present and future international missions.

These points all share a common end: the post mission reactions of the individual soldier. The mark of war may never be removed, but many of the present problems with post-mission reactions can be decreased.

The Danish Armed Forces have in recent years created a wide range of services towards veterans including medical aid, economic insurances, and social services. However, these services are not united in a common

policy making it difficult for the soldiers and their families to navigate through the available services and benefits. Many services are located in the local garrison, making the provided service subject to local resources and management. Hence, some soldiers and their families will experience an excellent service, where as others little or none at all.

It is the position of CS that most of the present and – hopefully – future facilities should be financed by the Government and not taken from the Armed Forces already limited budget.

The personnel organisations take an active part in the work of the Defence Committee, where the organisations are appointed to an informal working group. The organisations are also frequent participants in the political and public debate through meetings, hearings and media interventions.

It is too early to predict an outcome, but the signs are - as now - positive. There seems to be political agreement that an ambitious foreign and security policy requires investments in the Armed Forces.

There also seems to be agreement on developing a veteran policy. With this outcome the Danish military trade unions have come a long way since the last defence agreement.

“ For the first time ever the soldier and his/her working conditions are a specific topic on the agenda of the National Defence Committee, ... ”

EUROMIL advocates common standards for operational welfare and medical care in the European Parliament Subcommittee for Security and Defence



Photo: Copyright Parliament Européen

f. l. to r.: E. Jacob, President EUROMIL, B. Gertz, Vice-President EUROMIL, A. Tichoniuk, Presidium member EUROMIL

A EUROMIL delegation composed of Emmanuel Jacob, President of EUROMIL, Bernhard Gertz, Vice-President and Anatol Tichoniuk, Presidium member presented EUROMIL's recommendations for multinational crisis-management operations in the European Parliament Subcommittee for Security and Defence on 27 May 2008 in Brussels.

The Chairman of the Security and Defence Subcommittee Mr. von Wogau introduced the meeting by emphasising the risks soldiers are exposed to in multinational crisis-management missions. This necessitates an increased emphasis on protective equipment, common training and shared standards in military law to minimize the risks for soldiers during common international military missions.

The EUROMIL-delegates Jacob, Tichoniuk and Gertz advocated the development of common standards for medical care and operational welfare. A permanent exchange of experiences and best-practice on these issues between member states would support them in their

capability development process. The EUROMIL-delegates reminded that a conscious emphasis on operational welfare and medical promotes the re-enlisting of experienced soldiers.

The MEPs present and the EUROMIL-delegates agreed on the need to develop common rules of engagement and to reduce cumbersome national caveats.

The Members of the European Parliament acknowledged the work of EUROMIL and proposed a regular exchange of experiences between the Subcommittee for Security and Defence and EUROMIL in the future. They emphasized the importance to get a realistic picture of the soldiers' engagement in the field. This is possible in a forum like EUROMIL where an open exchange of experiences and views can take place without having to observe any special considerations as set by official national positions or by a chain of command.

European Parliament: Success of ESDP operations depends on soldiers

Recent report draws attention to soldiers' well-being and encourages development of common standards for medical care

The European Parliament adopted on Thursday 5 June its report on the "Implementation of the European Security Strategy and the European Security and Defence Policy (ESDP)".

The report presents the Parliament's views on the current development of the ESDP. The European Parliament comments on current EU Military Capabilities calling among others for continued improvement of interoperability between member states' armed forces.

Particularly positive is that the Parliament recalls that the success of ESDP operations depends on military personnel being adequately equipped and provided for. The report calls on the member states to develop common standards in medical care and operational welfare.

EUROMIL welcomes the position of the European Parliament. Such common standards and a regular exchange of best practices among member states would benefit the serving soldiers who are entitled to efficient medical care and solid operational welfare when serving in difficult peace-keeping missions. Common standards and exchange of best practices would furthermore support the individual Member States in their efforts to develop military capabilities and thus help them to provide capable forces for common military missions over time.

The report was initiated by MEP Helmut Kuhne (PSE-DE).

Copyright European Parliament



Helmut Kuhne, Member of the European Parliament and rapporteur of the positive report

International Meeting Calendar

September

1-4	European Parliament Committee week (SEDE, EMPL, LIBE)	Brussels
22-25	European Parliament Committee week (SEDE, EMPL, LIBE)	Brussels

October

1-2	Informal Defence Ministerial Meeting	Deauville
2-3	Employment and Social Affairs Council	Luxemb.
20-23	European Parliament Committee week (SEDE, EMPL, LIBE)	Brussels

Successful EUROMIL Presidium meeting in Alcobendas (Madrid)

ALCOBENDAS- About 70 delegates of military trade unions and associations from 22 countries gathered for the 97th Presidium meeting 25 and 26 April. The meeting was under the auspices of AUME (Asociacion Unificada de Militares Espanoles), the unified military association of Spain. The main Spanish public service unions and police trade unions were present as well as members of the Spanish parliament to express solidarity with the Spanish military associations in their struggle for the full recognition of military staff associations.

Lacking right of association in Spain

EUROMIL hopes that the new Spanish government sees the contradiction of, on the one hand sending out troops abroad for the defence of fundamental rights and, on the other hand denying basic fundamental right to their own military personnel. This message was reiterated in the official opening of the EUROMIL Presidium on the 25 April by the Spanish public service union representatives UGT, CEP and CC.OO, the trade unions of the police and the Guardia Civil,

CEP and AUGC as well as from members of the Spanish Parliament. All articulated their hope that a process of normalization would be initiated in Spain leading to a recognition of the right of association for military personnel through an approval of the Organic Law on the fundamental rights and obligations of military personnel which is pending since 2005.

HOSZ and PDFORRA, two success stories

In a workshop organized on the first day experts from Irish PDFORRA and Hungarian HOSZ presented their historical development from small military associations to fully recognized representative staff associations. Both associations that were set up in a very short time span of about 10 years emphasized the necessity of partnerships, the building up of sound finances and human resources as well as professionally organized lobbying as the reasons for their successes.

Pay and allowance schemes during international missions

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Photo: Representatives of CEP, SUP, Socialist Youth, CCOO

While soldiers from different European countries serve more and more in common operations side by side, their allowances and payment models are still very different from each other. This issue was discussed in a second workshop in which the Swedish three-pillar calculation model of extra-allowances during missions abroad found special attention. This model takes into account the hardship of the mission abroad compared to home conditions as well as the threat assessment for the military mission. At the same time the currently used allowance schemes from Belgium, UK, Finland, the Netherlands, the Czech Republic and Portugal were debated and compared.



Dr. Otto Heiling Vice-President HOSZ during Presidium workshop

Correlation between work on old military radars and tumours

During the Presidium one of EUROMIL's Danish trade unions CS presented a study of the Danish national cancer prevention organisation that shows a significant correlation between work on old military radars and certain tumours. In a 2004 a register based mapping of the links between work and cancer in the period 1970-1997 confirmed that personnel in the Danish Armed Forces have a potential increased risk of developing 13 types of cancer compared with other personnel in civil employment within the same range of age. There are initial indications that work with old radar equipment may have also negative health effects on the children of that service personnel. CS called on the

other EUROMIL member associations to share any information that they might have in their respective countries on similar findings.

Preparatory deliberations for the EUROMIL Congress 13-14 November

The Presidium in Madrid concluded with the preparation and discussion of the EUROMIL Congress that will take place 13-14 November in Brussels this year. To that purpose a specific EUROMIL working group that had been set up by the Presidium presented amendment proposals to the EUROMIL Charter for further deliberation.

INTERVIEW

Secretary General of CCOO: Jose Maria Fidalgo Velilla about the social dialogue for soldiers in Spain

Q How do you explain the dichotomy between strong trade union autonomy in Spain and the embryonic Spanish military staff association movement?

A CC.OO defends the right to organise without restrictions. We secured it for the police and military police forces when they didn't have it and today we defend it for the

military forces because they have to organise their own associations for the defence of their professional interests. We do not do it in absolute terms so that they affiliate to our organization but we do it in the framework of the trade union movement.

Q You addressed the EUROMIL Presidium in Alcobendas (Madrid) at the official opening in

May 2008, in which you expressed CCOO's support for the Spanish military staff associations. Can you elaborate for our European readers on how CCOO supports the Spanish military staff associations, which struggle hard that Spanish soldiers might have a say in their professional and working condition?

CCOO (*Confederación Sindical de Comisiones Obreras*):

The Workers' Commissions has become the largest trade union in Spain. It has more than one million members.

ACC.OO supports publicly and before the government the right for military personnel to join and build professional and democratic trade unions. We assist them in the field of the formation of trade unions, in the field of health and safety at work and by passing on this claim to international institutions.

QWhat in your opinion are the principle obstacles to the recognition of fully-fledged military association rights in Spain?

AThe principal obstacle has been the non-existence of a law that guarantees the right and obli-

gations of military personnel. This norm does not only have to enact individual guarantees and obligations but it has to describe the rules of the game how trade union representations and the administrations can work in a structured dialogue to resolve the problems and give way to their requests.

QThe Law about “fundamental rights and obligations of the defence forces” from 2005 (Ley Organica de Derechos y Deberes Fundamentales de las Fuerzas de Defensa) is pending since then. AUME has asked for an approval of it by the Spanish executive as it was set out in the legislative mandate. Do you see any chances that this dossier will advance under the new Spanish government?



AI sincerely believe that the current government under this mandate will accomplish its electoral compromise in order to approve the law of the obligations and fundamental rights of the military. Let's hope, and that it is how we have brought the message to the government, that this law normalizes the relationship between the democratic representatives of the military and serves to assent such a basic right as the exercise of the right to organise.

The Chairman's Column

Positive developments for soldiers' representation in Poland

Anatol Tichoniuk, Chairman of KONWENT, outlines the present situation and future for Polish soldiers' representative associations

Representative associations of professional soldiers enter more and more into the institutional system of our Armed Forces. The means to influence increasingly efficiently the professional environment stem inter alia from full legal powers, democratically elected organs, a permanent organic council of the Konwent as well as a perma-

nent office. By virtue of my appointment as the Chairman of the Council of Senior Officers of the Polish Professional Soldiers' Corps (KONWENT) I have the task to present any issue linked to the service environment directly to the leadership of the Ministry of Defence (MoD), the Parliamentary Assembly's respective bodies and to the Ombudsman

as well as to the media. This is done in accordance with the EUROMIL principle – „ a soldier is a citizen in uniform”.

We voice our views on recently introduced legal changes as well as on internal regulations that could adversely affect the soldiers' social and work conditions in the personal



Col. A. Tichoniuk, Chairman KONWENT

presence of the MoD's leadership and Members of Parliament. We aim to be present and audible in all issues concerning our working environment in order to act in the way that is expected by our members. It is of vital importance for them to have their own professional representation as it provides them with a sense of professional identity and an awareness of their rights. Last but not least it alleviates tensions in our working environment.

One should note that the Konwent brings with it a new quality to all issues linked to the professional environment. In practice this means that since the 3rd tenure we changed the formula of working and the way of communicating with professional soldiers. This is noted

The existence of representative bodies of professional soldiers seems nowadays to be self-evident. However, Konwent faces the challenge, what vision to develop concerning the future of professional soldiers' representative bodies in the Defence Forces. It is envisaged that our structures will evolve towards an extension of professional representation, giving first non-commissioned officers (NCO) and then professional privates a similar possibility, as the officers currently enjoy, i.e. to create their own representative bodies.

In my personal opinion this process is inevitable as the structure of professional soldiers' representation should mirror the realities of the armed forces personnel structure.

both by commanders and by the professional soldiers. This formula had been expected by soldiers. The beauty behind this is a way of working concurrent both with the chain of command and contemporary civilization stan-

dards.

Ipsa facto, the extension of professional representation may materialize in the nearest future. Nevertheless, work on these complex matters has to be harmonized with structural changes of our Armed Forces including the professionalization which is scheduled to be completed by the end of 2009. Furthermore, Konwent faces the challenge to move the centre of gravity of its activities due to the fact that the number of Polish soldiers participating in peacekeeping missions abroad is steadily rising. These issues deserve our attention and assistance equally as others do.

We should keep in mind that first and foremost it is the individual soldier who is most important. He should have a chance to influence his/her situation and to get things changed any time should a need arise as long as this does not interfere with the traditional chain of command or with duty performance. Moreover, I strongly believe that we can come to solutions which reward all parties as long as we retain certain standards and principles that military service all over the world requires. To summarize, mutual understanding between the parties constitutes the core issue and contributes significantly to success.

The NEWSLETTER team is pleased to introduce the Chairman's Column with rotating contributions by the Chairmen of EUROMIL's member associations.

The July's column is written by Colonel Anatol Tichoniuk, Chairman of the Council of Senior Officers of the Corps of Regular Soldiers, KONWENT. He started his military service in 1977. Since 2001 he has actively worked for representative bodies of professional soldiers of the Senior Officers of the Polish Armed Forces, KONWENT. In December 2007 he was elected for the second consecutive tenure as Chairman of KONWENT.

Major upheavals in France's defence organization in the coming years

A down-sizing of personnel by about 50,000 is one of the effects of a reorganisation of French defence structures. At the same time gendarmes are ordered to resign from an association which is classified as a "professional association". Jacques Bessy, Vice-President of the Association de Defense des Droits Des Militaires (ADefDroMil) gives an overview of current developments within one of Europe's largest armed forces

*By Jacques Bessy,
Vice-Chairman of the ADefDroMil (Association de Défense des droits des militaires)*

A. REORGANISATION AND SEVERE STAFF REDUCTIONS

1. GENERAL REVIEW OF PUBLIC POLICIES (GRPP)

The GRPP aims to reform state administration. In the case of the defence forces it means cuts in the general support structures with the goal of substantial savings. These savings should in turn be redirected for a reinforcement of operational capabilities. The achieved savings are said to allow for equipment purchasing and an improvement of military salaries and welfare.

The following chart presents the forecast of staff cuts between 2008 and 2014.

The total number of reductions will touch around 50 000 staff. The cuts are said to apply for administrative staff only.

As a consequence, also the number of garrisons will be reduced. French forces are currently present in 471 cities or villages. Around 90 so-called "bases of defence" will be created in one location if possible or in a area not larger

than 30 km. According to the study the planned staff transfers correspond to the volume of a current annual transfer plan over six years. By the end, 94% of military staff should be posted at less than 30 km of the BOD headquarters.

2. NEW DEFENSE WHITE PAPER

A new White Paper aims to provide clear strategic lines in order to adapt the armed forces to the present threats. The final report, which was presented to the public by the end of June 2008, takes into account the difficult

Forecast of staff cuts by category between 2008 and 2014 for peace-time staff in the French Defence Forces

Année		2008	2009	2010	2011	2012	2013	2014+	Total	
Réduction d'effectifs	Civils	Fonctionnaires	253	2004	2137	2832	2828	561	91	10707
		Ouvriers D'Etat	221	1292	1519	1821	2026	557	948	8385
		Total	474	3297	3656	4654	4854	1118	1039	19092
	Militaires	Officiers	290	822	973	998	704	226	111	4214
		Sous-Officiers	1725	2695	2959	2942	3799	1175	692	15986
		Militaires du rang	554	1600	2991	3125	2853	694	776	12593
		Total	2570	5117	6923	7064	7356	2095	1579	32703
		Donc externalisation	518	1282	3190	4487	5642	571	1120	16829
		Total	3043	8413	10579	11718	12210	3213	2618	51795

budgetary situation of France.

It should not result in defence budget cuts or a global decrease of operational capacities as this was expressly ruled out by President Sarkozy.

3. SUBORDINATION OF GENDARMERIE TO MINISTRY OF INTERIOR

From the 1st of January 2009, the French Gendarmerie will be placed under the authority of the Minister of Interior for operational activities as well as for administrative, financial and equipment support.

Nevertheless, the gendarmes should keep their military status without the right to join professional associations.

At this stage, it is difficult to foresee what will happen. But it is reasonable to assume that the gendarmes will ask to benefit from the working conditions of the policemen and especially of their limited working time. It is thus not sure that the government will be able to maintain the military status of the gendarmes.

B. INTERNAL DIALOGUE À LA FRANÇAISE

Reform of the internal dialogue in the Armed forces?

On the first of February 2008, a study has been launched to improve communication between consultative bodies of soldiers and the MoD, headquarters and directorates.

Two working groups have been set up: the first one is a joint group with staff representing their service branches (Navy, Air Force and Army). The second one has been set up by the General Secretary of the Superior Council for the Military Condition, which is the internal staff representative structure of the French Defence Forces.

The results of the two working groups should be merged. As far as we know, direct election of the members of the representative councils is still not foreseen.

A superior council for the Gendarmes?

Simultaneously, Gendarmerie has set up a working group in view of its aforementioned transfer to the Ministry of Interior.

The election of a superior council for the Gendarmerie is studied and will probably be implemented. But it will exclude the right of joining an association. We believe that the new system will not satisfy the gendarmes who will keep on comparing their situation with that of the policemen.

Last but not least, the General directorate of Gendarmerie has ordered to several personnel of gendarmerie who were managing members of an association “Gendarmes et Citoyens” (gendarmes and citizens) managing the web site (with the same name) to resign because of the union nature of the association. Immediately, the Minister and the General commanding the Gendarmerie have been sued before the Paris Court (Court of First Instance). The judge for urgent matters has declined his competence. The plaintiffs will restart the litigation before the administrative court of Paris up to the



UN peacekeepers preparing for French National Day, 14 July

“State council” (Conseil d’Etat), the highest French administrative jurisdiction, and in case of non favourable decision possibly also to the European Court of Human Rights in Strasbourg.

ANS report from Portugal: more than 700 people have gathered to demonstrate in support of the “military condition” in Lisbon

By Antonio Lima Coelho, Chairman of ANS

The general working and living conditions of Portuguese military personnel and their dependents is constantly deteriorating. Against this background, the two professional military associations ANS (Associação Nacional de Sargentos) and APA (Associação de Praças da Armada) organized a silence march from Camões Square to the Assembly of the Portuguese Republic, in Lisbon, on 4 June with more than 700 people. The week before, on 28 May, ANS had already successfully organised a public gathering on the same Camões Square.

The Portuguese government has introduced several cuts in the social security system in order to meet the EU convergence criteria. These measures affect the public sector and in particular the military condition.

In addition, the implementation of the Law 25/2000 on complementary pension rights for retired soldiers has never been implemented, fact that along with others laws that have not been accomplished, created an increasing debt to the military family, which is estimated to be more than 1,000,000,000 euros.



ANS's and APA's silent march for better working and living conditions

EU social legislation is applicable to soldiers

The Health and Safety Framework Directive 89/391/EEC and all Directives related to this Framework Directive concerning workplaces, work equipment, specific risks, carcinogens, chemical agents, biological agents, physical

agents asbestos are generally applicable to the armed forces. Specific exceptions are possible but have to be defined separately.

The European Court of Justice ruling in the case *Commission versus Spain*

(case C132/04 of 12 January 2006) has once again clearly demonstrated that soldiers cannot be excluded *per se* from EU legislation.

The judgement is in this sense fully in line with the outcome of the



Spain reacted to this ECJ ruling by introducing the Royal Decree/Real Decreto 1755/2007 of 28 December 2007 “on the risk prevention at work for military personnel of the Armed Forces and for the organisation of risk prevention of the Ministry of Defense”.

Similar rulings in favour of the rights of armed forces personnel can be found in the field of gender equality (see *Tanja Kreil* case of 2000) as well as other labour law fields such as the aforementioned *SIMAP*, *Pfeiffer* or *Personalrat der Feuerwehr* cases concerning the applicability of the Working Time Directive 2003/88/EC.

previous court cases *SIMAP*, *Pfeiffer* or *Personalrat der Feuerwehr*.

to be misused to exclude the armed forces *per se* from this directive.

The court’s ruling against Spain stated that the exception for the armed forces in Article 2 of the Health and Safety Directive is not

Only “certain specific activities” of the services of armed forces members that are properly defined maybe excluded.

The EU Council of Employment met on 9 and 10 June 2008 discussing once again amendments to the Working Time Directive

The amendment of the Directive 2003/88/EC was discussed at the Employment, Social Policy, Health and Consumer Affairs Council meeting on 9 and 10 June 2008. The Council came to a political agreement on the Working Time Directive concerning certain aspects of the organisation of working time. These are the main points of agreement in the Working Time Directive in a nutshell:

- on-call time will be split into active and inactive on-call time. Active on-call time will be counted as working time
- inactive on-call time may not be counted as rest time and can be counted as working time if national laws or social partners agree
- the standard maximum limit remains 48 working hours per week unless an individual worker chooses otherwise. The maximum working time is 60 hours a week unless social partners agree otherwise. A worker can choose to work more than 48 hours. If he does so, this means that he “opts-out”. For an “opt-out” worker the maximum working week is 65 hours.
- The “opt-out” is only possible under certain conditions, such as: no signature during the first month of employment, no victimisation for not signing or withdrawing opt-out, employers must keep records on working hours of “opt-out” workers.

This issue has been discussed since 2005. It is to be remembered that many Member States are in breach of the legislation as interpreted by the

European Court of Justice (*SIMAP/Jaeger* cases). According to these rulings, active and in-active on-call time must be counted as working time. The new text improves the protection for workers who choose to work more than the standard weekly working time of 48 hours.

The directive is now in the hands of the European Parliament that will discuss it in a second reading as foreseen by the co-decision procedure.

The European Trade Union Confederation has expressed its discontent in particular with respect to the new provisions on on-call work.

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