



# NEWS

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## Security has a Social Dimension

### FROM EU DEFENCE COOPERATION TO INTERNATIONAL HUMANITARIAN LAW: EUROMIL'S 102<sup>ND</sup> PRESIDUM COMES IN OCTOBER

The Group of Experts on a New Strategic Concept for NATO (Albright Group) recognises the EU Lisbon Treaty as instrumental to strengthening Europe's military capabilities in a comprehensive and cost-effective approach to security. Indeed, the Lisbon Treaty offers potential for a major step forward in defence cooperation - depending on its implementation. So far, Member States have not shown much enthusiasm for further strategic integration through cooperation in defence. Capability gaps at NATO and EU level and unnecessary national duplications are being ignored as a result of an almost exclusively national focus on defence planning. Military budgets have suffered deep cuts in the past and are [likely to be] subject to even further reduction. Britain is contemplating reducing troop numbers by up to 30,000, cutting defence expenditure by 10-20%. Spain cut this year 9%, Italy 10%, France froze their spending. Germany's Minister of Defence plans cutting the number by 85,000 (contemplating 100,000) and his plan of suspending conscription finds broad support. Additionally, Germany

halts funding of high tech equipment such as the Talarion unmanned aerial vehicle, cuts the number of NH90 transport helicopters and Tiger combat helicopters, etc. The Netherlands stopped maritime reconnaissance, Denmark discontinues submarines, the Baltic states have no air force worth mentioning. One should think that increasing the efficiency of defence budgets in the current economic crisis



*Emmanuel Jacob, EUROMIL President*

would be a real incentive to eventually cooperate and improve European defence capabilities. Yet, besides national focused efforts, there are at most steps towards bilateral defence co-operation. British and French defence establishment as well as the Czech and Slovakian ministries of defence started talks about closer cooperation. Belgium, a pioneer in defence cooperation, shares a naval command and

training facilities with the Netherlands and jet pilot training with France. Indeed, merely the example of the Nordic Defence Cooperation (NORDEF), gives hope that Member States will finally make use of the provisions of the Lisbon Treaty. Cooperation is necessary to give their soldiers up-to-date equipment and training, in order to conduct international missions as challenging as Afghanistan as safe as possible for the soldiers.

If there will be more pooling of resources - and synchronization of armed forces - as effect of the economic crisis will be examined further by EUROMIL during the upcoming 102nd EUROMIL Presidium.

Whether there will be cooperation or not, multinational military missions outside Europe will increase. In this respect, EUROMIL agrees with the findings of the International Conference of Ombuds Institutions for the Armed Forces (ICOAF). In two conferences (2009 Berlin, 2010 Vienna), the participants recognised that professional and personal problems have a much greater impact on soldiers during operations as service

EDITORIAL

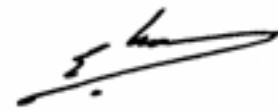
conditions differ significantly from those at home. The increase in multinational operations consequently resulted in an expansion of the responsibilities of the ombudsman and other such institutions exercising oversight of the armed forces. The 6th declaration of the 2nd ICOAF reads: “it should be considered to facilitate cooperation between ombudsman institutions in order to support and protect human rights, fundamental freedoms and welfare of soldiers in international military operations.” This thought encouraged EUROMIL to discuss the establishment of an EU Military Ombudsman within the European Parliament to coordinate the work of national Ombudspersons. This institution should be an independent and trusted advocate for European soldiers under international command.

EUROMIL will continue to explore the feasibility of an EU Military Ombudsman in terms of implementation of proper jurisdiction and the location of such an institution on EU level.

One other subject in regard to international military missions, especially in the case of Afghanistan, has led to discussions about the role and applicability of International Humanitarian Law (IHL). Often referred to as ‘the law of war’ or ‘the law of armed conflict’, IHL covers two areas: (a) the protection of those who are not, or are no longer, taking part in fighting; (b) restrictions on the means of warfare – in particular weapons – and the methods of warfare, such as military tactics. Protecting civilians is a major objective of IHL, i.e. attacks on military targets must take into account excessive negative consequences to civilians. However, not all civilian deaths are unlawful during war. IHL does not outlaw armed conflict, it rather anticipates, given the nature of warfare, a certain amount of “collateral damage,” which sometimes, regrettably, may include civilian casualties. EUROMIL is concerned about the legal protection of military personnel deployed in international

missions. When armed violence is used outside the context of an armed conflict in the legal sense, humanitarian law does not apply. Instead, domestic laws, as well as international criminal law and human rights govern, putting soldiers in fear of criminal investigation on every patrol. Although Afghanistan is, according to the International Committee of the Red Cross, an armed conflicts, it seems for some governments not so much a legal but a political question, if IHL applies.

In October, EUROMIL will try to shed light on the continued relevance of international humanitarian law and its role in military operations, e.g. in terms of defining acceptable rules of engagement and on combating non-state actors, who may not respect humanitarian conventions.



Emmanuel Jacob,  
President

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# THE NETHERLANDS HANDS OVER COMMAND IN URUZGAN!

By WIM VAN DEN BURG, PRESIDENT OF AFMP/FNV, THE NETHERLANDS

*Wim van den Burg is President of the Dutch AFMP/FNV.*

*He started his military career joining Royal Military School in 1970. He graduated in 1973 and was promoted to sergeant. From 1973 to 1984 he served in logistics at the 41 Infantry Brigade of 1 Army Corps, as special NCO at the Staff Education Command Royal Dutch Army and switched to the Financial Economic Section of the Royal Dutch Army. In 1984 he was promoted to sergeant major and continued with several posts at the Directorate Organisation and Information (DOI) of the Ministry of Defence. After his promotion to warrant officer 1990 he served as specialist in informatics and information analyst at the DOI. In 1992 he was promoted to first lieutenant and became head of Functional Control New Salary system for the Royal Dutch Army. Promoted to captain 1995 he left the Royal Dutch Army 2001 to work full time for his Union.*

*He started his Trade Union career in 1981 as member of the Local Board of The Hague of "Ons Belang" and became President in 1983 and was chosen as member of the General Board of Ons Belang 1988 and finally elected Vice President of Ons Belang. In 1991 he was elected to the General Board of AFMP, as Head of the Section Royal Dutch Army. In 2001 he became head of the section Income & Labor and Vice President of AFMP/FNV first time in full employment. Since 2003 he is elected President of AFMP/FNV.*

*Wim van den Burg is 59 years old, is married and has two children (sons)*



With a ceremony in 'Kamp Holland' on August 1st, the Netherlands handed over command in Uruzgan to the Combined Task Force of the United States and Australia. The ceremony marked the end of four years in which the Netherlands played the lead role in the security and reconstruction of this Afghan province.

The deployment in Uruzgan was part of the most dangerous, complicated mission to be carried out by the Netherlands for many decades. Twenty-four Dutch soldiers lost their lives, and some 140 were seriously wounded.

However many soldiers have second thoughts about the end of the mission. There is a common feeling that they did not get the opportunity to finish the mission in a proper way. They are afraid that the situation in Uruzgan will deteriorate and that after a while the situation will show that the efforts and sacrifices have been in vain.

The most important reason of the withdrawal of the Dutch troops was that the fourth Balkenende government was unable to agree on whether the Netherlands' military involvement in ISAF after

December 2010 should continue. For that reason, the Labour Party ministers and state secretaries have tendered their resignation, and the Christian Democrat and Christian Union ministers and state secretaries have indicated their readiness to give up their portfolios.

As a result of that situation the decision earlier taken by the Dutch government to finish the mission in Uruzgan on August 1st 2010 became reality. But even when the government had decided to continue the mission it was clear for everyone, included NATO

and coalition partners that the Dutch were unable to continue their efforts on the same level. In consideration must be taken that the Dutch presence in Afghanistan dates back to 2002.

The Dutch armed forces are professional, well trained and well equipped but in numbers limited and the former Minister of Defence Mr. Henk Kamp said at the start of the mission in 2006 that it would be a tall order to perform the mission for a period of two years, and he was right. In autumn 2007 however, due to International pressure, the discussion started about extending the mission for another two years.

In the opinion of the AFMP this was chasing rainbows. Because at that moment, it was already clear that the extension of the mission would demand a high price. Nevertheless, the government decided in 2007 to extend the mission to 2010. The outcome

was a structural lack of resources, too heavy mission pressure for specialists, excessive wear on the equipment etc.

In addition of the earlier mentioned difficulties it became clear that the financial efforts for the mission in Uruzgan causes great problems in the Dutch armed



forces. The priority for the mission in Uruzgan affected the troops in the Netherlands in an unacceptable way. Budgets for education, training and maintenance were cut and even working conditions became a subject of discussion.

But despite all this, the AFMP called for an extension of the mission. Of course not at the same

level as before, but with a smaller number of soldiers and handing over the lead nation position. In our opinion international solidarity is essential in the current situation in Afghanistan. It's very important that the international coalition starts and ends a mission together. And in addition to that it would have given the Dutch the opportunity to finish their work in Uruzgan and hand it over to the Afghans in an orderly fashion.

It was no secret that the AFMP had second thoughts about the mission in the beginning. The reason for that was that in our opinion the terms of this mission were not in accordance with earlier made terms about necessary conditions needed for a liable decision. But of course we respected the decision when it was made. Looking back to four years Uruzgan, the AFMP would like to stress that we are proud of our soldiers, they did a tremendous job.

## INTERNAL AFFAIRS

# THE GERMAN FEDERAL ARMED FORCES ASSOCIATION: GENESIS OF THE AGENDA 2011

By **THOMAS SOHST, DBwV, GERMANY**

Discussions with members of the German Armed Forces Association (Deutscher Bundeswehrverband, DBwV) during assemblies and informative events made clear that members expected a compact, easy to understand presentation of demands by the associations. It was important to cover the entire range

of topics and activities with the ability to positively inform and engage decision makers, members and the public opinion.

After intensive discussion in April, the Federal Board tasked the chairman of the western regional branch of the DBwV and the deputy chairman of the



‘Streitkräftebasis’<sup>1</sup> to take the lead in compiling a catalogue of demands. In just 10 weeks the catalogues of demands should be presentable.

The collection of demands was conducted with

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## **to remind politicians and military about the citizens in uniform**

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recourse to feedback from all regional branches of the association – involving members to define the individual topics. By mid-May the Federal Board was able to decide on topics and structure. The legal department and the department for association policy in cooperation with the mandated experts filled the topics with substance.

The final editing happened in June in the context of a meeting of the working group on human resources. The layout was developed in parallel by the Press- and PR department. By the end of June the Federal Board finalised the product: the ‘Attraktivitätsagenda 2011’ – the Attractiveness Agenda 2011.

The intent of the Agenda 2011 is to remember political and military leadership as well as members of the German parliament, that while planning a reform of the defence structures under constraint of a contracting defence budget, one should not forget the human beings working for the armed forces. Structures can positively affect the operational readiness and ability to persevere conducting the tasks given to the armed forces. Yet, when the social framework at home and during military missions is not right, even optimised structures will have no effect.

But the Agenda is also meant for internal use.

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<sup>1</sup> The ‘Streitkräftebasis’ (SKB) joins 70.000 military and civilian employees into the second largest organisational branch of the Federal Armed Forces. SKB is composed of experts and specialists from army, air force, navy and medical service. SKB provides among other tasks central services and coordination for all branches and the military leadership, secures the strategic and operative mobility of the armed forces and supports the armed forces and defence administration with scientific research.

Members shall see that the mandated representatives on all levels and the full time employees of the DBwV are indeed lobbying topics and activities collected in 18 General Assemblies and 300 political resolutions towards political decision makers.

The Agenda is a long term project and by the end of 2011 it will function as reality check. What promises by the government have been kept? What demands have been acted upon? In the same way it also measures the effectiveness of the mandated representatives. What did they do to convince decision makers that the Agenda 2011 is not only about things “nice-to-have” but in fact indispensable for a positive morale and attitude by soldiers towards their job and leadership? And this is no end in itself. One should

not forget that recruiting is an essential strategic task. Armed forces are recruiting from the civilian labour market and, therefore, compete with other sectors for qualified women and men. Only an attractive work environment can guarantee continued recruiting.

All federal and regional board members were fitted with the means to present the Agenda 2011 and to explain its content to members on the occasion of informative events, member assemblies, etc. The Agenda 2011 was distributed down to the smallest organisational unit in the DBwV and as enclosure in the association’s magazine ‘Die Bundeswehr’ to individual members. Furthermore, the Agenda 2011 was presented to the Chancellor, Defence minister, Chief of Staff, the

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## **“short, precise and expensive” - but necessary for the citizen in uniform**

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Parliamentary Commissioner for the Armed Forces and the security and defence committee of the German parliament.

Reports on the development, what has been done,

when and to what effect, will be published regularly, to inform members and board members about the state of play.

The advancement of involvement of the DBwV in planning and decision making processes concerning military personnel is seen as part of the approach ‘Innere Führung’<sup>2</sup> and guiding principle of the ‘citizen in uniform’. The Agenda 2011 defines what the DBwV considers indispensable for the armed forces.

<sup>2</sup> “Civic rights and liberties also apply to the military realm and can only be abridged by requirements of military duty. Soldiers retain active and passive voting rights. Command and obedience are subject to legal norms; an order must not be followed if it implies a criminal act. Basic military obligation and military duty of allegiance are geared towards German free democratic basic order, not towards a person or specific government.” Reinhardt, Markus, Civil-Military Relations in the European Union and “Innere Führung”, California, 06/2010

The Minister of Defence zu Guttenberg commented “short, precise and expensive”. The Federal Chairman Col. U. Kirsch countered that a socially acceptable reform and restructuring of the Federal Armed Forces and attractive work conditions are naturally not free of costs. Yet, the demands of the Agenda 2011 are absolutely necessary for the operational readiness and perseverance of German troops. Highly motivated servicemen and –women who report positively on their job are essential for effective armed forces as well as successful recruitment of young citizens.

*This article featured in the DBwV’s magazine “Die Bundeswehr”, 8/2010.*

*translated by TL*

## THE GERMAN FEDERAL ARMED FORCES ASSOCIATION’S AGENDA 2011 MAIN POINTS

### 1. Military Mission

- a. duration of deployment: four months
- b. legal security during operations
- c. improvement of equipment and personal gear
- d. improvement of social provisions during operations

### 2. Family and service

- a. option to select between reimbursement for relocation and compensation for living apart
- b. binding implementation of the handbook for reconcilability of family and service
- c. child care

### 3. Service- and career legislation

- a. guarantee availability of posts as indicated in the model of personnel structure to enable fast promotions according to achievement
- b. transition to a flexible system for the duration of service contracts without age limit and retirement
- c. modernisation of human resource management
- d. working time regulation



### 4. Remuneration

- a. more attractive remuneration to improve recruitment, introduction of supplementary allowances for specific tasks and services
- b. increase of remuneration of conscripts, short term volunteers and reservists during exercises
- c. increase/discontinuation of limits for additional income

### 5. Provisions

- a. no unlinking of retirement provision from developments

*in remuneration*

- b. adjustment of insurance entitlements of short term contract soldiers comparable to professional soldiers
- c. Regard to specifics of the military profession for provision entitlements
- d. Improvement of provision regulation for former members of the National Peoples Army (NVA – former East German armed forces)

### 6. Support/care and welfare

- a. Free of charge medical care
- b. Comprehensive care and welfare for PTSD-diseased
- c. Job market for retiring soldiers
- d. Social services must be guaranteed for active and former soldiers and their families

### 7. Participation

- a. Establishment of a qualified involvement in personnel measures
- b. Establishment of a right of objection in case of overstrain during/per deployment
- c. Safeguarding active and effective co-determination

# 4<sup>TH</sup> WORLD FORUM ON HUMAN RIGHTS

## EUROMIL ROUNDTABLE ON HUMAN RIGHTS FOR SOLDIERS

By EUROMIL

The World Forum on Human Rights is a venue under the patronage of UNESCO for broad thinking and intensive discussion on human rights issues, and for above all promoting best practice towards advancing human rights.

EUROMIL's President Emmanuel Jacob, the Vice President Colonel (ret.) Bernhard Gertz and Secretary General Gerhard Ahlbrecht as well as Jorge Bravo, President of Asociación Unificada de Militares Españoles (AUME), participated actively in the 4th World Forum on Human Rights in Nantes, 28 June – 1 July. In a roundtable on the right of association, organised by EUROMIL, the participants outlined the contrasting conditions for members of the armed forces in Germany and Spain.

Vice President Gertz commented on the German situation, explaining that Art. 9 III of the German Constitution grants the right of association to every citizen without restriction. Soldiers and officers can join professional associations or trade unions as the right of association is also implemented into practical military and political life by federal laws, agreements and contracts. The German Federal Armed Forces Association (DBwV), founded in 1956, counts 210,000 members while the biggest public servants union



Bernhard Gertz, EUROMIL Vice President

4<sup>TH</sup> WORLD FORUM ON HUMAN RIGHTS  
*In a world in crisis, what about Human Rights?*

NANTES - FRANCE JUNE 28 TO JULY 1 2010  
LA CITÉ - NANTES EVENTS CENTER  
*From universal principles to local action*



Cité

(ver.di) counts roundabout 300 members in the military.

The Vice President explained that the government is obliged by law to consult with the association before introducing in the parliament draft legislation concerning the military. The association is entitled to submit written comments, which are then appended to the proposed legislation. However, negotiations normally start on the working level between the Ministry of Defence and the association before new regulations are drawn up. In case consultations at the working level are unsuccessful, a meeting to solve the issue will often be scheduled between the Minister of Defence (or one of his deputies) and the Chairman of the association. In parallel, members of the DBwV Board lobby the Defence Committee, Budget Committee, Foreign Affairs Committee and the Interior Committee of the German Parliament. Vice President Gertz explained that the influence of the DBwV in German politics is also a result of good contacts to the media (TV, radio, press), who regularly consult the association on military issues.

The President of AUME, Jorge Bravo, presented a more dim picture of the current situation in Spain. The Royal Ordinance for the Armed Forces (RR.OO) continues to severely constrain the exercise of



# (ALMOST) IN THE FOOTSTEPS OF THE POPE: EUROMIL MEETS MEMBER ASSOCIATIONS AND MILITARY AUTHORITIES IN CYPRUS

By EUROMIL

N-COACA's Vice President Panayiotis Georgiou extended a warm welcome to EUROMIL's President, Emmanuel Jacob, and Secretary General, Gerhard Ahlbrecht, when they arrived at Larnaka airport on 7 June 2010. It was the beginning of the first-ever visit of a EUROMIL delegation to Cyprus – just like the first-ever papal visit to Cyprus a couple of days earlier. EUROMIL's small delegation, reinforced by its Vice President, Bernhard Gertz, the same evening, carried out an extensive programme of meetings and visits, including lunch in traditional taverns – just like Pope Benedict XVI. There, however, the similarities end since EUROMIL's presence on this beautiful island attracted undoubtedly less media circus in the Cypriot and world media, but nevertheless EUROMIL's delegation benefited from some – unexpected - media coverage at a press and TV-conference in the Cypriot Parliament following a highly interesting and vivid debate with the Defence Committee on 10 June.

The same day EUROMIL met the Chief of the National Guard General Petros Tsalikides and Colonel Andreas Stavrou as the representative of the Ministry of Defence (MoD). In the discussions with all these officials EUROMIL focused, hereby following the requests of its Cypriot guests, on four points:

The first discussion point in this emerging specific social dialogue aimed at the number of “days off” Cypriot military associations are entitled to for their association work. Contrary to the Cypriot Police, soldiers in the Cypriot National Guard have not a single day off for association work so that they are forced to sacrifice their free time for administrative work, meetings and even the attendance at EUROMIL's



*Jorge Bravo, President AUME, Spain*

fundamental rights of members of the armed forces. Art. 181 (RR.OO), for instance, states that military personnel, for whose interests the State looks after, may not participate in trade unions. Jorge Bravo explained that this article, still in force, directly clashes with the Spanish Constitution (CE), which states that all Spanish citizens have the right to association. There is no mentioning of exceptions, nor restrictions or qualifications regarding military personnel – citizens in uniform. Yet, only by a ruling of the Constitutional Court are military associations allowed to operate, although members of the armed forces may belong to other legally authorised associations of religious, cultural sporting or social character. The fact, moreover, that freedom of speech is subject to authorisation by the chain of command entails that the freedom of expression contained in Art. 178 RR.OO is often curtailed. As a consequence all activities of professional associations are subject to the discretion of the political and military authorities.

Within the framework of the 4th World Forum on Human Rights EUROMIL was able to discuss a core issue, namely that the fundamental right to freedom of peaceful assembly and association for the protection of interests also applies to soldiers, with an interested audience.

**GA**





*K. Kyprianou, CAO, Greece, E. Jacob, EUROMIL President*

Presidium Meetings. General Tsalikides replied that police and armed forces have different missions and that the Republic of Cyprus is permanently challenged by the fact that “part of the country is under foreign occupation”. Hence the armed forces have to be ready at every minute. He emphasized his willingness to support this request nevertheless, saying that all parties involved are “passengers on the same boat”. The Chairman of the Defence Committee, Mr. Yiannakis Omirou (Socialist Party *EDEK*), also agreed with E. Jacob that there should be a clear regulation allowing association work on a permanent basis and not depending on the goodwill of commanders. He promised his support on this point and awaits now a written proposal from the associations.

The second issue tackled consisted of the Working Time Directive: EUROMIL learnt that the Cypriot army has to be extremely flexible and that in the

perception of the Cypriot military authorities there is a permanent threat coming from the Turkish Military occupied territories but EUROMIL insisted that there should be some kind of regulation to compensate overtime, at least in normal working conditions, not on exercises or training. The Cypriot authorities, especially the Legal Service of the MoD, will study possibilities of remuneration, however, they came up with budget problems in the current economic crisis.

The third major discussion point was the pension system, especially for NCO-volunteers who renew their 5-year contracts several times and become, thus, de facto “full-time-soldiers”. These soldiers have to leave the armed forces at a certain age (53-55) without an immediate pension. This brings them and their families in terrible difficulties. Apparently there is a study under way in the Ministry of Defence in order to find a solution, but probably the Cypriot authorities do not realize how far away they are from the best practices, for instance in Germany, where everybody gets immediately a pension after a certain number of years in the armed forces, and how far the distance is to the Council of Europe recommendations (Art. 65).

Another big problem in the Cypriot National Guard consists in a kind of moratorium on promotion. It affects almost all soldiers and – according to General Tsalikides – has an adverse effect on the operational capabilities of the armed forces. Since 2006 everything is blocked. Part of a solution will be hopefully found by the end of 2010, when 400 will have been promoted – as the MoD promised but there should be a systematic long-term approach. The issue



*CAOA, N-COACA, CAROA and EUROMIL delegates*

of “moratorium on promotion” will be integrated into the workshop on budget cuts at EUROMIL’s Presidium Meeting in October 2010 because it seems to be a concern in numerous member associations.

In all the meetings EUROMIL raised the awareness of certain problems and managed – in close cooperation with its Cypriot member associations - to draw the attention of the Cypriot authorities to a row of sensitive spots, especially by comparing the Cypriot situation with the European standards and by outlining the current social legislation at the European level and some other countries.

By the same token, EUROMIL always underlined its support to Cyprus’ striving for a just solution to the Cyprus problem through negotiations leading to “the restoration of the rights and the fundamental freedoms of the people of Cyprus as a whole” as President Demetris Christofias put it in his welcoming address to the Pope on 3 June 2010.

Another highlight of this intense week was EUROMIL’s participation in the impressive General Assembly of N-COACA, the Non-Commissioned Officers Association of the Cypriot army where all political parties were present. EUROMIL’s President delivered a much applauded speech.

Everywhere EUROMIL met outstanding hospitality and attests its Cypriot friends an impeccable event organization and highly professional attitude. EUROMIL expresses its gratitude to its Cypriot member associations for everything they had done to make the visit unforgettable and successful.

When the small EUROMIL delegation left the island on 11 June, it was enchanted by the beauty of Cyprus and its dynamic military associations, even if there was no huge official farewell ceremony with soldiers parading as happened for the pleasure of Pope Benedict XVI just a few days before, but, who knows, maybe next time... .

On 30 July 2010 the Secretary General discussed the same issues with Colonel Antonis Demetriades, Military Representative of the Permanent Representation of the Republic of Cyprus to the EU and Major Theoklitos Pachoulides, his Deputy Military Representative, in a follow-up meeting in Brussels.

EUROMIL looks forward to meeting representatives of all Cypriot member associations at the 102nd Presidium Meeting in Brussels on 28-30 October 2010.

**GA**

## EXTERNAL AFFAIRS

### DISCUSSING GENDER-MAINSTREAMING IN PEACEKEEPING OPERATIONS

By EUROMIL

On 16 June 2010, the Brussels Chapter of Women in International Security (WIIS) welcomed Lieutenant Commander Ella van den Heuvel from the Netherlands Armed Forces and Hilde Segers, Chief of the NATO Office of Gender perspectives in the premises of EUROMIL. 25

women from various Brussels-based international, European organisations and think-tanks were present.

LtCdr van den Heuvel spoke about her practical efforts to raise gender-awareness within the armed forces of her country, and about her work as Gender Advisor

for ISAF from October 2009 to March 2010.

Despite some recent progress, much remains to be done to further implement UN Security Council resolution 1325. Gender implementation in NATO nations - in particular in the military - is key to achieve long-term operational



*LtCdr Ella van den Heuvel*

effectiveness. Gender issues may well already be addressed in the pre-deployment phase of an international mission.

Her role as a gender adviser during international operations consisted not only in advising key NATO military leaders on gender mainstreaming but also in advising NATO on gender-recruitment issues for Afghan National Army. She underlined how important it is to build bridges with the female Afghan population and to liaise with local Afghan NGOs as, for example, the Afghan women's business organizations.

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## **UNSC Resolution 1325**

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On 31 October 2000, the United Nations Security Council adopted Security Council Resolution 1325 (UNSCR 1325), "Women, Peace and Security."

United Nations Security Council Resolution 1325 (UNSCR 1325) recognises the urgent need to mainstream a gender-perspective into peacekeeping operations, from

early conflict prevention to post conflict reconstruction, since it will contribute to the maintenance and promotion of international peace and security. This necessitates taking into account gender factors in policies, in planning and in the implementation of missions. This also means gender balancing in civilian and military operations, and full and equal participation of women at all levels.

Many national militaries, governments and international organisations have become increasingly aware of the unintentional gender-related side-effects of operations, including incidents of prostitution, human trafficking and the exploitation of local women and men in post-conflict communities. They re-affirmed their commitment to implement and encourage initiatives, policies and programs in accordance with the resolution.

For this purpose, Hilde

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## **CWINF recommendations for NATO operations**

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Segers, Chief of the Committee of Women in the NATO forces (CWINF) explained that NATO Nations and NATO authorities have developed recommendations in order to contribute to the development of a general approach to the mainstreaming of a gender perspective in NATO's military operations.

The CWINF recommendations cover the integration of a gender perspective in three main areas

of NATO military operations: Operational Planning & Operations, Education & Training, and Evaluation.

These recommendations were developed by national delegates and approved by them at their annual meeting in Berlin in June 2007, and are a set of gender-sensitive practices ensuring gender-sensitive practices ensuring that operations can be made more effective and safe for all parties involved,

Women in the military have

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## **Monitoring integration of women**

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a history that extends over 4000 years into the past, throughout a vast number of cultures and nations. From ancient warriors to women currently serving in military operations, women have played many roles in the military.



*Women in ISAF*

Although women are recruited to serve in the military in most countries, only a few countries, for example, permit women to fill active combat roles. Countries that allow this include New Zealand,



Canada, Denmark, Finland, France, Germany, Norway, Israel, Sweden and Switzerland. Other nations allow female soldiers to serve in certain Combat Arms positions, such as the United Kingdom, which allows women to serve in artillery roles, while still excluding them from units with a dedicated infantry role. The United States allows women in most combat flying positions. Turkey uses female officers in combat flying missions over Northern Iraq and in ISAF patrol missions in Kabul, Afghanistan.

Until 2000, a European country like Germany allowed women only to serve in the music and medical service of the army.

However, through a legal **ECJ ruling in the case of Tanja Kreil**

battle in the German courts until the European Court of Justice, in the case of Tanja Kreil, the ECJ ruled that the German Federal Armed Forces (Bundeswehr) opposed European Union law by not allowing women to serve in “armed position”. Tanja Kreil, a young electrical engineer, who wanted to become a servicewoman in 1996 had been rejected by the Bundeswehr based on its “no-armed position for women” policy enshrined in the German constitution. The young woman was

successfully supported throughout by EUROMIL’s German Federal Armed Forces Federation (Deutsche Bundeswehr Verband – DBwV) legal services.

Since then, the number of women in the German military has increased up to 13.000. A legal basis for more equality was additionally introduced to allow for a better integration into the German armed forces.

It remains EUROMIL’s challenge to monitor a successful integration process of women into the European armed forces to the benefit of efficient international military operations.

*CJ*

## ESDP (CSDP) UNDER THE PROVISIONS OF THE LISBON TREATY: THE HIGH REPRESENTATIVE

By EUROMIL

The Lisbon Treaty neither changes the values, the goals nor the decision-making mechanisms for the EU foreign and security policy (CSFP). The changes introduced in relation to CSFP, including the Common Security and Defence Policy (CSDP – former ESDP), aimed to render the EU in foreign and security policy matters more efficient and coherent. To this end a number of new instruments and a facilitated mechanism for Permanent Structured Cooperation (PESCO) were introduced in the Treaty. Approaching a year of the Lisbon Treaty in force it is time to take stock on the use of some of the new provisions. What has changed for CSDP? Where are chances for CSDP?

This article will be the first of several articles to broach the issue of provisions for CSDP after the Lisbon Treaty such as, the High Representative for

Foreign Affairs and Security Policy and Permanent Structured Cooperation.

Much discussed new provisions of the Lisbon Treaty are the post of High Representative for Foreign Affairs and Security Policy (HR/VP) – not only due



*Baroness Catherine Ashton, HR/VP*



to the appointment of Baroness Catherine Ashton - and the European External Action Service (EEAS).

With the provisions of the Lisbon Treaty, the HR/VP now combines the functions of the rotating Presidency, the High Representative for CFSP and the Commissioner for External Relations in regard to foreign policy. Mandated by the Council, the HR/VP conducts the Union's CFSP as well as CSDP, presides over the Foreign Affairs Council and ensures implementation of the Council's decisions. The HR/VP conducts political dialogue with third parties on behalf of the EU and represents the EU in international organisations and at international conferences. As Vice-Presidents of the Commission, she ensures consistency by coordinating the Union's external action (as mandated by the Council) and is responsible for external relations within the Commission. In exercising her responsibilities within the Commission, and only for these, the HR/VP is bound by Commission procedures.

Importantly, it is the HR/VP who now has a more prominent role in CSDP, "acting under the authority of the Council and in close contact with the Political and Security Committee (PSC)" ensuring "coordination of the civilian and military aspects of" the extended Petersberg Tasks<sup>1</sup>. Still, the PSC remains the main body to manage CDSP missions under the responsibility of the Council, supported by the European Military Committee (EUMC), the European Union Military Staff (EUMS) and the Civilian Planning and Conduct Capability (CPCC). However, the PSC shall be chaired by a representative of the HR/VP.

<sup>1</sup> Article 43, TEU " The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories."

By the provision of the Lisbon Treaty, the HR/VP will be supported by the European External Action Service (EEAS) to fulfil her mandate. Baroness Ashton has declared that she would bring respective Council and Commission capabilities for CFSP and CSDP under the umbrella of an EEAS "peace-building" Directorate General. Indeed, according to Council Decision of 26 July 2010 the Policy Unit, a new Crisis Management and Planning Directorate (CMPD), CPCC, EUMS and the Situation Centre (SITCEN) will be transferred to the EEAS under the HR/VP's direct authority. Nonetheless, only under the provision that "the specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff" are respected . The

Council Decision, moreover, specifically exempts CSDP from consultation between EEAS and Commission.

A look back into the year of implementing measures, however, shows that it is the will of the Member states and main actors that, as always, determines developments in CSDP.

Given the provisions of the Lisbon Treaty and the Council Decisions in regard to the HR/VP and the EEAS, it seems that the HR/VP serves two masters:

the Council and the Commission. The same is true for the EEAS as it combines departments from the Commission and the Council, with CSDP de facto 'partitioned' from the rest of the EEAS bodies. The HR/VP depends very much on the cooperation of the Council, and, therefore, CSDP depends on the manner in which the HR/VP will be willing and able to organise the relevant services and to establish herself. So far, this has proven rather difficult: merging the three functions made the HR/VP preside over a bureaucratic mess. Disputes over budgets and rules as well as over jobs have delayed the launch of the



*HR/VP Ashton,  
UN Secretary-General Ban Ki-Moon*

EEAS until 1 December 2010. Baroness Ashton has now appointed the first diplomats to head the EU's delegations, but misses her most senior officials. The launch-date might be impeded once more, as changes to staffing and financial regulations are pending in the European Parliament. How decisive a factor the HR/VP's preferences are when establishing herself in regard to CSDP, show her two missed chances to connect with the EU's defence ministers. In February the HR/VP rather attended the inauguration of Viktor Yanukovich as Ukrain's President than joining the informal meeting of defence ministers. And Baroness Ashton followed the second informal meeting, 23-24 September, only by video-conference from New York, where she is attending the UN General Assembly as observer.

According to Brussels media, the defence ministers reaffirmed during this informal meeting their support

for strengthening EU capabilities. Importantly, they called on Lady Ashton to present concrete proposals in the areas of training, logistics, tactical and strategic transport, maintenance and the role of the European Defence Agency (EDA) as major facilitator.

Topics on top of the meeting agenda were the (a) implementation of the instruments and possibilities given by the Lisbon Treaty in the field of CFSP, (b) political discussion about the paradox defence cuts versus EU ambitions as a global player and security provider, and (c) identifying political guidelines on the kind of cooperation wanted at the European level. This could be construed that PESCO, as one other major novelty of the Lisbon Treaty, has been finally acknowledge as tool to achieve EU ambitions in CSDP. Therefore PESCO will be subject of an article in a later EUROMIL News issue.

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## EUROMIL CALENDAR 2010

|       |         |           |                   |
|-------|---------|-----------|-------------------|
| 4     | October | Board     | Madrid, Spain     |
| 28    | October | Board     | Brussels, Belgium |
| 29-30 | October | Presidium | Brussels, Belgium |

### DRAFT Programme around the 102<sup>nd</sup> EUROMIL Presidium Meeting 28 - 30 October 2010



| Thursday 28 October                         | Friday 29 October  | Saturday 30 October  |
|---|--|--|
|   | <b>09h00 - 10h00</b><br>Official Opening, VIP speeches                               | <b>09h00 - 10h00</b><br>Internal Reports*  |
|   | <b>10h00 - 10h30</b><br>Coffee Break   | <b>10h00 - 10h30</b><br>Coffee Break   |
|   | <b>10h30 - 12h30</b><br><b>WS I</b><br>The Impact of Budget Cuts on the Armed Forces | <b>10h30 - 12h30</b><br><b>WS III</b><br>The Feasibility of an European Military Ombudsman |
|   | <b>12h30 - 13h30</b><br>Lunch Break  | <b>12h30 - 13h30</b><br>Closing Lunch  |
|   | <b>13h30 - 15h00</b><br>Internal Reports*  |  |
|   | <b>15h00 - 15h30</b><br>Coffee Break   |  |
| <b>16h00 - 19h00</b><br>Board Meeting       | <b>15h30 - 18h00</b><br><b>WS II</b><br>Humanitarian Law                             |  |
| <b>19h30 - 21h00</b><br>Welcoming Reception | <b>18h15 - 18h45</b><br>Presentation of REDMIL (AUME, Spain)                         |  |

\*In Camera

EUROMIL (European Organisation of Military Associations) 102<sup>nd</sup> Presidium Meeting  
International Auditorium of the International Trade Union House (ITUH)  
Boulevard Roi Albert II, 5, B-1210 Brussels

# STATEMENT BY THE PRESIDENT OF EUROMIL IN SUPPORT OF PASTRENGO

The European Organisation of Military Associations (EUROMIL) is the umbrella organisation of 37 national military associations and trade unions stretching across 25 countries. As the main forum in Europe for the cooperation among professional military associations, EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of soldiers.

EUROMIL's member associations and unions are committed to the principle of the 'Citizen in Uniform'. As such, a soldier is entitled to the same rights and obligations as any other citizen.

For that reason, EUROMIL regrets that Italy continues to prohibit its soldiers from exercising the right to set up and join trade-unions and professional associations. A right that is recognised by the majority of European governments.

On 15 September 2010 Vincenzo Bonaccorso, Chairman of Pastrengo (Associazione Carabinieri in Servizio Pastrengo) has been found guilty infringing Article 8 of the military discipline regulations (law 382/11.7.1978) and sentenced to imprisonment as result of participating in two conferences in Brussels (November 2009) and Berlin (March 2010) organised by EUROMIL as well as representing Pastrengo at a conference organised by Pastrengo and the Security and Defence Workers' Party (PSD) in Palermo (May 2010)..

EUROMIL expresses its full support, solidarity and sympathy with Pastrengo and Vincenzo Bonaccorso.

EUROMIL strongly regrets, disapproves and condemns the judgement against the chairman of Pastrengo on grounds of exercising his basic right to freedom of peaceful assembly and association for the protection of his interests.

In our opinion the treatment disregards several international political and legally binding documents, such as:

- Universal Declaration of Human Rights (UNO 1948), Art 20 and 23
- European Social Charter (1961/Rev 1996), Art 5
- Charter of Fundamental Rights of the EU (2000), Art 12
- Council of Europe Recommendation 1742 (2006) on human rights of members of the armed forces
- Council of Europe Recommendation CM/Rec(2010)4 on human rights of members of the armed forces

Experience has shown that the right of association has not compromised combat efficiency or military discipline. On the contrary, involving democratic military associations in a permanent social dialogue has de facto improved the moral and loyalty of troops. In times of increased operational pace, military associations and unions can be a powerful ally to raise awareness and to articulate the professional interests and concerns of military professionals. Associations can also enhance the status of the military profession in society. Military associations are recognised in several countries across Europe as valuable partners for defence administrations.

Consequently, EUROMIL strongly calls on the Italian government, the Comandante Generale and the Chief of Staff of the Carabinieri in representation of a free and democratic country to immediately halt all disciplinary or judicial proceedings against members of military associations.

On behalf of all military personnel in Europe, we sincerely hope that the government of Italy will lift existing restrictions on civil and social rights of soldiers which are not an inevitably and proportionate result from the military assignment. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities. Soldiers are highly skilled employees, who have the legitimate right to promote their social and professional interests - as do other citizens.

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Thank you for signing our petition!

EUROMIL thanks all of you, who as an act of solidarity, supported Vincenzo Bonaccorso, Pastrengo and all those soldiers who are still denied their basic rights. We hope with your support to put enough pressure on the military authorities and the Italian government - and eventually all other governments who do not grant soldiers the rights any other citizen enjoys - to stop all disciplinary or judicial proceedings against members of military associations.



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