



NEWS

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Security has a Social Dimension

A WINDOW OF OPPORTUNITY!

Since 2001, our members have been engaged in counterinsurgency operations in Afghanistan – and while progress has been made, it has been slow and come at increasingly heavy costs. Of course, soldiering does entail certain risks, something we acknowledge and accept. But blood must not be spilled easily, or without a clear and legitimate military purpose. Which can be taken to imply the need for sound strategies, proper equipment, well-equipped medical facilities as well as social protection. It falls to us to ensure, that our members are sent into the field with the best possible kit – and that every reasonable measure has been taken to safeguard their lives and security. Yet, if national armed forces are strained operationally – no less so economically. The financial crisis has led to the scrutiny of military budgets. While this may or may not be warranted, one has to guard against short-term fixes with long-

term consequences. This is not to ignore the need to adapt military structures to current challenges. I suppose the need for large conventional armies seems less clear today as emphasis has come to be placed on smaller but more able and flexible forces. However,



Emmanuel Jacob, EUROMIL President

counterinsurgency has proven that we still need manpower. But numbers are only relevant, if they can be deployed. The aim must therefore be to reach some sort of balance. The exact figure would have to reflect an assessment by the political-military authorities,

in which we would not interfere. Our role is “merely” to ensure that the social consequences are borne in mind and that restructuring, whatever that might entail, is done in a responsible and sustainable manner.

We are facing a “window of opportunity”: The European security structure is changing. NATO is drafting a new Strategic Concept and the new Lisbon Treaty explicitly refers to the creation of “Permanent Structured Cooperation”, allowing a group of Member States to move forward in the defence area, developing and harmonising their military capabilities by co-operating on investments, training and logistics.¹ This can be an opportunity for EUROMIL to ensure that the social conditions of soldiers are brought into play.

¹ The Lisbon Treaty and its Implications on CFSP/ESDP, Dr. Gerrard Quille, Directorate-General for External Policies, European Parliament (2009)

In this, we may draw on a number of useful leverages such as the SAFE concept (Synchronised Armed Forces Europe) and the recently adopted Council of Europe Recommendation on Human Rights of Members of the Armed Forces. These documents compliment each other: one calls for common standards in training, equipment as well as in medical

and social care while the other outlines the principles guiding the implementation of basic rights. The ‘EUROMIL Recommendations for Armed Forces’² moreover add a number of compelling case examples, which serve to emphasise the need to bear in mind the social aspects.

² ‘EUROMIL Recommendations for Armed Forces in Times of Multinational Crisis-Management and Peace-Keeping Missions’

The rules and structures are being redefined, and whatever the new constellation, it will have a direct and immediate impact on our members.



Emmanuel Jacob

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INTERNATIONAL OPERATIONS

TO BE NEUTRAL IS TO BE WEAK!

BY MARC LINDEMANN

The public debate in Germany on the NATO operation in Afghanistan has seen a serious change of direction in 2010. The success proclaimed until

Afghanistan in 2010 is above all disillusion, weariness and nervousness

recently by many people in charge has had to give way to a situation assessment that at least attempts to move closer to reality. The commentary by politicians and military authorities is toned down and so contemplative that people, who know the unwritten laws of this discussion, fear disaster.

Truth be said, it is much worse than what the discussion reveals even now. The year 2009 witnessed by far the most casualties in the fight against insurgents. Over five hundred soldiers lost their lives, the numbers of wounded have risen past one thousand.

And on the achievement-side? Little tangible, almost nothing, that could contribute to a betterment of the situation. Nervous and weary are all involved states which have sent combat troops. They are aware of the precarious situation in Afghanistan: the insurgents have gained ground again, the much proclaimed reconstruction strategy has stagnated and

a self-sustained stability is even further away than ever since 2001. Moreover, in many partner countries elections are looming and voters disapprove of non-productive wars in far away countries. As a way out, one could also say appeasement, so called 'exit-strategies' are very popular. It is not to be initiated in a rush, but soon.

As for disillusion, this is a feeling mainly found on the side of the Afghan population. How big have been the promises of the West since the first conference in Bonn/Petersberg in 2001? Reconstruction, democratisation, perspective and as main

prerequisite: security and stability. In respect to economic development, infrastructural measures and the training of national security forces, one can say with some eligibility - if not with peace of conscience - that the grandiose failure can be referred to the responsible administrations. In the case of Germany, this

would be the Federal Ministry for Economic Cooperation and Development and the Federal Ministry of the Interior.

And what to say on the subject of the most important of all projects and the foundation for all further development: security and stability? Of course, this was from the beginning the task of the deployed military. Given the dramatic deterioration of the security situation, the question of where mistakes have been made needs to be answered. This serves not



Marc Lindemann in Afghanistan

only (but just as well) the search for the responsible (or the guilty), but most of all, to enable a full analysis in the sense of 'lessons learned'.

If we look at the north of Afghanistan, the German Armed Forces' area of operation, we can clearly state that the massive increase of insurgent activity since April 2009 did not happen overnight. The conversion of the once 'peaceful north' to a combat zone took place gradually and was recognisable as early as summer 2006. Nevertheless, many responsible persons, especially the German politicians, seemed to be surprised. Why do more and more Afghans turn against Germans, when especially the German Armed Forces performed exemplarily - staying neutral and avoided any semblance of an occupation force?

The fact is that neutrality was for a long time imperative for the operational day-to-day business of the German contingent. Under no circumstances were German soldiers to meddle in 'local Afghan disputes'. No activity should lead to being exploited by one or the other faction or ethnic group. Whenever locals were bullied by violent men from another clan, German Forces did not interfere. Help-seekers were referred to the local Afghan police - an absurd idea in the eyes of those affected. Even credible evidence leading to a warlords weapons hide-out was ignored. Places were not searched and no weapons confiscated in fear of upsetting and angering the affected clan. Moreover, an isolated post of the Afghan National Police (ANP) could not count on support, when an angry mob threatened to storm the post to free a family member charged with murder. Those incidences happened during my own deployments in Kunduz in 2005 and 2009 and were by far no isolated occurrences.

Neutrality towards criminals, neutrality towards war and drug lords: the result of this political specification - or better caveat - can now be seen in 2010. German troops have been on the defensive for years and the loss of confidence in the Afghan population is not only visible in polls. Soldiers patrolling the area are feeling it every day. That this component of the Afghan policy does not originate from the military leadership in the field is self explaining. This policy has its source in

the hesitant and anxious military leadership in Berlin and Potsdam, in the vain attempt to spare the true costs of such a risky military operation.

The calculation has not yielded success. The principle behind the strategy is, in theory, understandable: in order not to risk being drawn into a multipolar conflict of interest in Afghanistan, the German leadership left the competency for the abovementioned security conflicts with the Afghan authorities. Only, and here is where theory fails, this Afghan authority is still non-existent. The local police equals in corruption and enmeshment in crime a menace to society rather than a source of order. Whoever calls them has to pay first and still takes the

Who should ensure the security of the population, if not ISAF?

high risk of not being helped.

The Afghan National Army (ANA) is still not able to do more than to operate in battalion-strength next to strong NATO combat troops. Furthermore, the operational ANA troops are already overstretched in

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counterinsurgency operations. Who should ensure the security of the population, if not the International Security and Assistance Force (ISAF)?

In my view, it is true that neutrality in such a conflict as in Afghanistan is a tremendous mistake. It is, however, rather irrelevant when outsiders come to this conclusion; important is, that numerous Afghans judge the situation as such. Those hoping that ISAF would put an end to the decade long war are disappointed. Everything proclaimed by the West, security, freedom, democracy and moderate economic development, must be seen as pure lip-service by the Afghan people. The reference to the well-intentioned sense behind the German neutrality was met by incomprehension. I came to the conclusion that if examined more closely, neutrality does not exist in this setting. Those who stay aside for years, as the German Armed Forces did, unwillingly aid one side – and it is surely not the one of those seeking protection.

CAPTURING PIRATES... THEN WHAT?

BY EMMANUEL JACOB, ACMP/CGPM, BELGIUM

According to participants in a lecture on “Piracy at the Horn of Africa”, 2 February 2010, the international presence off the coast of Somalia has some positive effect. The experts of the panel agreed that the EU has an advantage over NATO as the EU’s foreign relations and diplomacy tools facilitate operating in territorial waters and prosecuting pirates. It was also noted that in contrast to missions of the EU in Afghanistan or Chad, mission ATALANTA is not so much a humanitarian or anti-terrorist mission but the fight against organised crime and societal disruption in Somalia. Moreover, the contributing nations are defending the interest of European nations as the Gulf of Aden is a vital route for global trade.

This kind of “military activity” required, after the

fight against terrorism, once more a period to gain new experience and to eventually adapt to new procedures, rules and methods. One issue was unsolved for a long time for many participating nations: what to do with pirates, if they were captured at sea?

The European Union has sought and found a solution through agreements with Kenya and the Seychelles. Those countries therefore committed themselves to prosecute captured pirates. Yet, this agreement is far from being perfect since suspects



Navy vessel protecting a commercial ship

needed to be caught red handed in the act of piracy. The intervening vessel needed additionally to provide sufficient evidence of piracy.

In 2009, the Belgian Navy’s frigate “Marie-Louise” participated in the mission ATALANTA off the Horn of Africa. The Belgian vessel patrolled along the Somali coastline, escorting and protecting civilian and commercial vessels against Somali pirates. Therefore, Belgium has now addressed the insufficiencies of these agreements for their forces deployed off the coast of Somalia. A series of provisions in the form of a legislative statute and through amendments of the national judicial code (Moniteur Belge, 14 January 2010) provide clearer and broader means to deal with piracy. It includes a definition of what is to be considered piracy. The law also specifies the powers and competences of Belgian

vessels and their commanders. The ship's captain acts as a federal police officer. When acting against piracy, he has to file a report giving detailed information on the circumstances of an arrest with reference to the decision by the federal prosecutor regarding the detention of suspected pirates. This report has to reach the federal prosecutor within 24 hours after the arrest of the suspects. Based on the report, the federal prosecutor can issue an official arrest warrant. Should the time limit be exceeded, the suspects have to be set free.

Nevertheless, it is still the goal of Belgian forces participating in mission ATALANTA to have pirates indicted in their own country, or at least in the region. Only if all conditions set out in the new regulations are satisfied can a suspect can be prosecuted for piracy in Belgium. The penalties for piracy range from 10 to

15 years and 20 years if the suspect is found to be a leading figure. A life sentence can be issued in case of murder during the act of piracy.

While this new law is a clear signal that Belgium takes the fight against piracy very serious, it remains to be seen if a pirate will eventually be put on trial in Belgium.

But the political debate is far from over with the recent decision. Now many people wonder what will happen with a pirate after he has served his sentence in a prison in Belgium. Also in the Netherlands this debate is held in Parliament. It is obvious that few people would want the new piracy law to allow those criminals to remain in Europe, turning the legislation against piracy into a disguised possibility to generate asylum procedures. The lawmaker need to address this issue quickly.

THE CHAIRMAN'S COLUMN

UNITED WE STAND!

By **ANTÓNIO LIMA COELHO**

António Lima Coelho started his military service in April 1978 as a Portuguese Air Force Specialist Caporal in the field of the electronic maintenance. Today he holds the rank of Chief Master Sergeant and works as a Radar Maintenance Supervisor at the Air Defence Centre, in Lisbon. He has been the Chairman of ANS (Associação Nacional de Sargentos – Sergeants National Association) since January 2000 and he is member of EUROMIL Board since 2006. He was re-elected to the Board on the occasion of the 3rd EUROMIL Congress. The association activities (ANS and EUROMIL) are performed after regular working hours, on weekends and on holidays.



Having the challenge to write the “Chairman’s Column” after Anatol Tichoniuk from Poland, Ulrich Kirsch from Germany, Ton de Zeeuw from the Netherlands and Flemming Vinther from Denmark is not an easy task. Reading the previous articles, one can easily understand the huge disparity between the different realities concerning the practice of the right of association from the mentioned countries and from my own country. This is true as well for the majority of the southern European countries. The differences are numerous and reaching from the right to be consulted and involved in proper negotiations concerning the welfare of the respective members to the possibility of visiting national troops abroad. The integration in official delegations or having the time needed to develop the association or trade union activities varies extremely

between the “northern” and the “southern” associations.

Just as an example: In February 2010 the beautiful Madeira island was hit by natural disaster that struck with sudden, strong and severe floods, taking dozens of lives and destroying houses, roads, bridges and other infrastructures. It is a fact to be mentioned that the members of the armed forces reacted promptly, effectively and courageously. When the armed forces are mostly seen as an unjustified source of expense and used by the governments as a “punching bag” to divide the national citizens, it is important to recognise, who were the ones to be engaged in action from the very first moment of the tragedy (and still are engaged): the military!

ANS and I have been concerned about and involved in bettering the situation of Portuguese soldiers for some time. And when the Portuguese government is preparing to reinforce the military participation of Portugal in Afghanistan, in a situation that is more and more a war than a peace-building mission, our concern cannot be smaller than it was before. We are certain that our forces will accomplish their mission with an outstanding performance, recognised by different allied commands. But

we are equally convinced that their performance would be so much better if they would have the possibility to experience for themselves the rights and freedoms they are fighting for in Afghanistan. A soldier is more capable of defending somebody else’s rights if he or she can claim these rights



for himself or herself.

When our government is preparing severe measures to overcome the economic crisis, cuts, fallbacks and reductions are to be expected. However we consider that the representative organisations should be consulted and participate in the process. This is especially important, when some projects in regard to remuneration are to be implemented in the next future, bringing unequal treatments for the different ranks, dividing the servicemen, with more advantages

to the officers. This is due to the continued practice of politicians and military leaders to disregard the existing law recognising the right of professional association for military personnel. The representatives of the existing associations are not integrated in any working group responsible for the new salary system. Only high ranking officers are appointed to these working groups under the auspice of the Ministry of Defence.

According to our law, the associations for active military personnel cannot represent all ranks. Associations are divided in the three different career groups: officers, sergeants and corporal/privates. Only retired personnel are entitled to join an association representing all ranks.

This limits the impact of each individual association. For a long period we have been campaigning that representative associations should not be seen as adversaries by our politicians and military leaders. Instead, associations should be recognised as an important and active voice. Associations know best what is really happening in the field, in the barracks and at the core of the military. Reading the “Chairman’s Column” in previous editions of the EUROMIL News, it is so easy to understand that the

is so easy to understand that the work of the associations and trade unions reinforce the performance qualities, the spirit of solidarity and, most important, the real sense of discipline as fundamental requirements of an effective military organisation!

This kind of different treatment and the huge differences between the North and South led to the creation of the “Mediterranean Forum”, consisting of likeminded associations from countries

surrounding the Mediterranean Sea. The Forum will function under the umbrella of EUROMIL.

I strongly believe that a united EUROMIL is needed and wanted. Only then will it be possible to overcome the many different problems among the members. All associations and trade unions from Ireland to Cyprus, from Portugal to Russia, from Sweden to Malta can conserve their own identity and cultures and still co-operate closer. I am convinced everyone will turn

out to be stronger if we stand united when defending the principle of the “Citizen in Uniform”. We all share the belief that the obligation of a State towards its servicemen and -women starts when a soldier joins the armed forces and only ends when the widow or widower of the soldier dies!

As our President, Emmanuel Jacob, uses to say: “United we Stand!”

INTERVIEW



INTERVIEW WITH GENERAL HAKAN SYRÉN, CHAIRMAN OF THE EUROPEAN UNION MILITARY COMMITTEE



General Syrén is the permanent Chairman of the European Union Military Committee (CEUMC). He has been selected by the Chiefs of Defence (CHODs) of the 27 EU Member States and appointed to the post by the Council. Gen. Syrén leads the works of the EU Military Committee (EUMC) and liaises with the Presidency in the development and implementation of its work programme. He is the military adviser to the Secretary General and High Representative for the Common Foreign and Security Policy (SG/HR) on all military matters and represents the primary Point of Contact with the Operation Commanders of the EU’s military operations. Gen. Syrén is the spokesman and representative of the EU Military Committee at the meetings of the Political Security Committee (PSC). He also attends the meetings of the Council when decisions with defence implications are to be taken.

General Syrén, what are the main implications of the Lisbon Treaty for military ESDP missions in general and more specific under a possible “Permanent Structured Cooperation”? What is your view on the possibility that an ESDP mission will be delegated to a group of Member States under “Permanent Structured Cooperation”?

The military implications of the Lisbon Treaty are at this stage largely undefined. An immediate task is to translate the Treaty formulations into concrete political actions and decisions. Building on those we will in due time explore the military implications.

That said, I would rather like to answer your question in a more indirect way by considering the

need, I would say imperative, for enhancing military co-operation among Member States.

Since 2003, when the idea of Permanent Structured Cooperation was first launched, ESDP/CSDP has moved forwards very substantially. CSDP has step by step been brought from the drawing-table to the real world, from theory to practice. EU has launched six military operations and more than a dozen civilian missions, EDA has been formed and the EU Battle Group concept has been implemented. Reinforcing present CSDP is quite another thing than reinforcing the ESDP of 2003!

At the same time the need for enhancing defence cooperation among the Member States are today broadly recognised. The implications of rising costs for force modernisation, rising ambitions for operations and stagnating defence budgets (at best) leave few viable alternatives. Pooling of resources and capabilities and specialisation are two possible avenues for increasing cost efficiency of our total effort. Adapting, i.e. redefining, priorities obviously will be an integral part of this. Another way of expressing it is that we have to adopt a more comprehensive EU approach reducing the present duplication of individual Member States' efforts.

To what extent these measures will be included in the PSCD concept remains to be clarified, but in a way it is an academic question. What is important from my perspective is that we can achieve substantial results. The sum of the Member States' defence budgets today is about 200 Billion Euro, in fact almost half of the US budget, but our output is far lower than it could be if maximum efficiency was our common priority.

Considering current operations and also bearing in mind the economic crisis, what is your assessment on the probability that future European force structures will be dictated by short term perspectives or interests, thus compromising the ability to address long term challenges?

Balancing the immediate operational needs against the need to ensure the long-term viability of our forces is one of the primary concerns of every Chief

of Defence. There are indeed no simple answers. In my present role as military adviser to the High Representative and to the political level it is one of my most important responsibilities to constantly highlight the necessity to think in terms of capabilities today as well as tomorrow. Our capabilities tomorrow are largely defined by the investments and measures that we take today. One key challenge, of course, is to make our capability development process more responsive to the changing operational needs, reducing the time to adapt to new tasks and requirements.

I would avoid talking about probabilities for neglecting addressing the future needs. We have to make sure that we have capabilities that match our ambitions and this is as relevant in the short term as in the long term. It is the responsibility of the Chiefs of Defence, individually and collectively in the EUMC, to make sure that this balance is sustained.

The former President of the European Parliament, Dr. Hans-Gert Pöttering, MEP, has in 2008 introduced the idea of a concept of Synchronised Armed Forces Europe – SAFE . SAFE was then integrated into a report by the former Chairman of the Security and Defence Committee of the European Parliament. Since then, SAFE has been discussed in NATO and French Military Attachés have begun to test the perception of SAFE in other European Member States. What are your thoughts on SAFE, especially with regard to the medical and social implications of the project?

As a matter of fact, SAFE has some similarities to a concept that has been pursued since long time by all western Armies, namely "interoperability". This is a term that has a transversal impact on each armed force, internally - among its services - and in its combined activities with other armed forces. The European Union strives for the highest level of interoperability among the Member States armed forces. Interoperability includes a broad range of areas as for example language, procedures, equipment, doctrines, command and communications. It is vital not only for operational efficiency, but also in reducing the logistic

footprint of the operations. The SAFE concept calls for a European Statute for soldiers and would have direct implications on the social status and rights of the individual soldier and thus represents an important complement to other interoperability measures. I am in principle favourable to a development in line with the SAFE proposal, but we should bear in mind that each Member State retains full responsibility in this domain.

In 2009, Dr. Pöttering added to SAFE the idea of a European Military Ombudsperson at the European Parliament to give the nearly 2 million servicemen and –women in the European Union a common contact for issues outlined in SAFE. Would you actively support this idea of an EU Military Ombudsperson?

The idea of an EU Military Ombudsperson is attractive, although I think that it needs a cautious analysis. It should not, for example, undermine the principle of unity of command, which is basic in any military structure. In its implementation it will be important to carefully define the areas of concern,

which can be addressed by the Ombudsperson. The main question is the compatibility of an Ombudsperson institution with the fact that the armed forces of the Member States are still under the command and responsibility of their national Government and Military authorities.

In 2008, EUROMIL presented your predecessor, General Henri Bentégeat, with the EUROMIL Recommendations for Multinational Crisis-Management Missions. He supported the recommendations as very useful and practical. Do you share the assessment and support of General Bentégeat?

Yes, I share his assessment and I am genuinely supportive of the EUROMIL recommendations. In my opinion they reflect the needs of today's western armed forces. But once again I must underline that part of what has been recommended, and in particular the actions related to the post-mission phase, falls under the direct authority of each Member State.

General Syrén, thank you for the interview.

REVIEW 101ST EUROMIL PRESIDIUUM

37 ASSOCIATIONS PARTICIPATE IN 101ST EUROMIL PRESIDIUUM IN BERLIN

EUROMIL held its 101st Presidium on 19 and 20 March 2010 in Berlin, bringing together approximately 100 delegates from our member associations and invited guests.

The 101st EUROMIL Presidium meeting was opened by **EUROMIL President Emmanuel Jacob** and was attended by **Colonel Ulrich Kirsch**, Chairman of the German Federal Armed Forces Association (Deutscher Bundeswehr Verband), who applauded EUROMIL for the range of workshops during the meeting. The agenda mirrors exactly the aspects and tasks EUROMIL needs to discuss and act

on. He stated that, in his opinion, there is definitely a need for an EU Military Ombudsman as the advocate for fundamental rights and social protection of two million soldiers. But Colonel Kirsch also stressed that such a position should have the necessary rights and powers to access all relevant information and to undertake independent investigations. Colonel Kirsch then informed the delegates about the successful results of his own association: a more attractive balance of service and family life, better salary and pensions, medical service and especially the identification of PTSD as problem of veterans. A telephone hotline

had become operational and specialised hospitals were planned.

German Liberal (FDP) **Hellmut Königshaus**, who is candidate for the position as Parliamentary Military Commissioner, commented on the development of the new Strategic Concept for NATO. The “comprehensive approach” is seen as particularly important by the Albright-group. Königshaus asserted that Europe had always emphasised “soft power” and that, especially, Germany had been at the forefront of this concept. It was important to establish whether strategic alignment within the Alliance continued to be tied to Article V – or whether Article IV, related to consultation on



Vice-President Bernhard Gertz, Hellmut Königshaus

territorial, political and security threats, could be considered the new binding factor. In this context, he called for a stronger and more homogeneous EU as a partner to the USA within the Alliance. He also underlined the need to answer several questions in relation to the Alliance approach to terrorism, cyber warfare, global vs. regional security, division of labour, strategic projection of troops and the balance between national defence and international missions. According to Königshaus Germany had to make better use of money spent on the armed forces and eventually decide to either concentrate on national defence or international mission.

EU MILITARY OMBUDSMAN

The first workshop discussed the need for a “European Military Ombudsman” at the European Parliament. The Ombudsman should act as contact person and

advocate for the nearly 2 million soldiers in the EU Member states. He should be able to intervene, if there is evidence of violations of the fundamental rights of soldiers or other transgressions.

Reinhold Robbe, German Parliamentary Military Commissioner, explained that the position as “Wehrbeauftragter”, Parliamentary Military Commissioner, was created alongside the Federal Armed Forces in 1956 to ensure parliamentary control over the military. The Commissioner is intended to bridge the gap between soldiers and society. Out of historical reasons the German pacifism after 1945 has led to a lack of acceptance and empathy for soldiers in society, which constitutes a real problem in times of international military missions. Over time, the Military Commissioner has developed into an advocate for soldiers, where complaints can be submitted without formalities and bypassing the chain of command. Endowed with powers that allow for investigations and unannounced troop-visits even abroad and on missions, the Commissioner is the ear at the base of the German Armed Forces and can put a finger to grievances and misconduct. Since more and more military missions will be led by an international operational headquarters, Robbe recommends the establishment of a military ombudsman within the European Parliament – also based on his own experience with limited access to soldiers serving under UN command. The EU Military Ombudsman could, moreover, be a coordinator for national military ombudspersons.

Paulyn M. Quinn SC, Irish Ombudsman for the Defence Forces, explained that any Ombudsman institution needs to have clear aims and objectives with clearly defined rights, and that it should be independent of all other stakeholders, military and political. The Ombudsman also needs the right to investigate, to access information and to call witnesses as well as the right to visit troops and military facilities. Unlike Germany, the Irish soldier has to submit complaints through the chain of command, and recourse to the Ombudsman is thus the final step, unless the chain of command should fail to act on a complaint within 28 days. In this case,



Paulyn M. Quinn SC



Reinhold Robbe



Jörg-Dietrich Nackmayr

the soldier can approach the Ombudsman directly. Quinn also stated that her success depends largely on support by relevant ministers, as she has mainly a moral authority. She explained that she cannot be in conflict with any stakeholder, that she upholds a clear distinction to professional associations, cannot criticise the government and cannot comment on political issues. She sees her position as an alternative to the court, a sort of “devils advocate”.

Jörg-Dietrich Nackmayr, adviser to the former President of the European Parliament, argued that the military is often thought to be tied to the nation-state and that Europeanisation will, therefore, not work. But, in the face of the 21st Century challenges, national concepts of security will eventually dissolve. In his view, Member States will be forced to accelerate synchronisation for two reasons: (a) because of the coming into force of the Lisbon Treaty, and (b) because economic constraints and common missions will make co-operation inevitable. A European Ombudsman was bound to be implemented sooner or later, and the more the public learned of the unequal treatment of national armed forces, the less tolerant it would be. Nackmayr was therefore optimistic as to the prospects of Synchronised Armed Forces Europe (SAFE).

The following debate led to the insight that while many European countries do have some sort of Ombudsperson few are really independent even less exert parliamentary control on the armed forces. During the 2nd International Conference of Ombudsmen for Armed Forces in Vienna specific information in regard to Ombudspersons could be gathered. The EU Ombudsman would advocate common standards,

fundamental rights, working conditions for European soldiers on levels of the leading nations. Additionally he could oversee EU military missions, conduct troop inspections, file reports and evaluations and coordinate the work of national Ombudspersons. Therefore a proper jurisdiction needs to be implemented in order to vindicate soldiers’ rights. The office must be trusted by the soldiers.

SOCIAL PROTECTION SYSTEMS DURING OPERATIONS ABROAD

In a second workshop, dealing with social protection measures for military personnel during international operations, experts from EUROMIL member associations presented their respective systems.

Anatol Tichoniuk (KONWENT) stated that medical care is, of course, free of charge during the mission, and that wounded soldiers upon return receive a special identity card that guarantees continued treatment on special rules, e.g. non-standard therapy. Soldiers are, in this context, also entitled to a recovery period of up to 6 months, including psychological assistance and a two week stay at a rehabilitation centre to restore them to health. Soldiers, moreover, receive financial compensation for long-term injuries to their health, something which since April 2009 also has been covering Post-Traumatic Stress Disorder (PTSD).

In case of death, the family receives financial assistance from the Ministry of Defence (MoD) to cover funeral or associated costs, while the spouse is

entitled to a pension equal to the salary of the deceased soldier. Families, moreover, have the right to stay in military housing/ equivalent accommodation or to receive financial compensation worth 80 percent of the market value of the current flat. The spouse is, in addition, entitled to unlimited assistance for occupational counselling, retraining and employment service. Since 1 January 2010 children (aged 16 to 25 years) receive financial assistance to continue their education.

Since 2009, a soldier wounded on a mission can continue military service in a post with reduced health requirements. Since 1 January 2010, these soldiers have the right to unlimited assistance concerning occupational counselling, retraining and employment service. All soldiers dismissed as unfit for duty due to medical reasons have priority to be employed by the administration linked to the defence sector.

As from 12 July 2011, former professional soldiers dismissed as unfit for duty can apply to reenlist. Injured veterans are entitled to a military disability pension.

To improve veterans care in Poland, work has started on a new act that is expected to come into force by January 2011. Among other, it will introduce a permanent veterans allowance and establish a veterans home for soldiers without family but who require permanent care.

Anatol Tichoniuk pointed out that the abovementioned benefits and privileges are owed to the collaboration between the Committee for National Defence, the MoD and KONWENT. He added that due to the costs of individual, private insurance necessary before abovementioned provisions came into power, it was not popular among Polish soldiers to serve abroad. Since January 2010, the MoD is obliged to insure soldiers sent on international missions. It needs to be mentioned as well, that due to the ban on trade union activity in the armed forces assistance from these is not available. However, there are associations and foundations financed by individual donations that assume an assistance role in favour of the soldiers, veterans and their families.

Ari Pakarinen (Päälystöliitto Ry) told the

audience that in Finland there is no social security system for the defence forces. All citizens, including soldiers, are protected by a governmental scheme. This scheme involves the State Treasury Office (Valtiokonttori), an insurance company for state employees and for permanent soldiers as well as reservists during operations and the Social Insurance Institution of Finland (Kela). In general the Valtiokonttori is responsible for military personnel during operations, while Kela is a provider of basic social security benefits for all residents in Finland. The terms and conditions of the benefits provided by Kela are defined in legislation. The National Institute for Health and Welfare (THL) supplements the two institutions by promoting the well-being and health of the overall population, and by preventing diseases and social problems as well as developing social and health services.

When a soldier is wounded, first-aid will be administered and the individual will then, depending on the wound, be evacuated to Finland. A social worker will already in this phase be assigned to act as contact person and adviser on social matters. Once in Finland medical care is provided through the normal health system (university and central hospitals). Should a soldier be unable to continue the military career, the contract will be terminated. Education and vocational re-training is financially supported by Valtiokonttori or Kela, who will also issue a pension, if the soldier is unable to work again.

In general, state institutions or local councils are responsible for supporting wounded soldiers on their return. In cases of death, families receive financial support from the Social Insurance Institution of Finland (Kela/Fpa).

Dieter Klotz (DBwV) presented the act on the financial care of military personnel in case of injury (Einsatzversorgungsgesetz) that entered into force in 2004. The eligibility requirement of this act is an accident on duty, i.e. any health damage that occurred on duty during a mission or due to the particular conditions in the mission area and resulted in a degree of incapacity of at least 50 percent. The provisions of this act include for all soldiers a tax-

free single payment of € 80,000, while the widow receives € 60,000. Professional soldiers are entitled to a continued payment of 80 percent of the salary equal to the level of a rank at least two categories senior. Widows receive 60 percent of these payments. For non-professional soldiers, the provisions include a tax-free single payment of at least € 15,000 with an increase of € 3,000 for each completed year of service. Widows receive this payment without reduction. These payments will be supplemented by public and special pensions reflecting the seriousness of the wound. Additionally, all soldiers are entitled to reasonable compensation in case the private life- or accident-insurance refuse payment due to the soldier's deployment on the mission.

This act has been supplemented since 2007 by an act that grants wounded soldiers guaranteed employment (Einsatzweiterverwendungsgesetz).

condition for life-time employment is a degree of incapacity of at least 50 percent at the end of the eight year protection period. In addition, a soldier must pass a six-month probationary period. For non-professional soldiers, the act includes a legal claim to continued employment in the armed forces, or alternatively as government employee.

Miguel Lopez (AUME) explained the social protection system in Spain. Starting with the Health Services, and depending on the consequences of an accident or illness, the Spanish armed forces medical service offers the following: In case of sickness, accidents and injuries, the treatment starts from the basic administering of medicine and monitoring of the patient to surgery and medical evacuation, followed by a period of recovery. If a soldier dies, while on a mission abroad, the corpse is immediately repatriated and a military ceremony follows at the airport or air



Dieter Klotz, Ari Pakarinen, António Lima Coelho (moderating), Miguel Lopez, Anatol Tichoniuk

In case of injury a soldier is entitled to medical rehabilitation and vocational training with the goal to continue service in the armed forces or to achieve reintegration into a gainful civil employment. During an eight-year protection period, the soldier cannot be dismissed from service and must, moreover, be involved in staff selection and promotion processes. Should the contract end during the protection period, it is automatically renewed. In addition, a soldier is eligible for re-enlistment in case an injury, especially Post Traumatic Stress Disorder, stemming from the mission is diagnosed after the end of service. The

base of arrival. During the ceremony, a red medal along with the national flag is presented to the next-of-kin.

Financial compensation reflects the degree of disability suffered by the soldier, and consists of a one-time payment to the family in case the life of the soldier is lost on the mission.

The regulations on social support were approved in November 2009. There are two different levels of support: on the administrative level guaranteed support is available concerning all administrative steps to get allowances, subsidies and indemnities,

as well as the pension, to which the soldier or his beneficiary are entitled. In a second level, the close support team provides the individual or his family with the application forms, certificates and advise to apply for the public aid and family allowances, dossiers for decorations, honourable promotion, etc. Also, access to help of a family doctor, a psychologist and, if demanded, religious assistance is facilitated and supported.

If a soldier is unable to continue his military career, he will be directly retired with a standard pension in accordance with the number of years of service.

In addition to the public social protection, there is the possibility to obtain a life insurance from a private entity or an indemnity from the United Nations.

The presentations showed the audience how different the social security for soldiers on international missions is handled in European countries. One has to point out that this unequal treatment is provided for soldiers who more and more serve alongside each other in international headquarters and missions. During the discussion it was established that no system is perfect: E.g. necessary insurances are expensive and more personnel for mental health care is needed in Finland. In Germany the diagnosis of PTSD is done by governmental experts but take a long time while PTSD is not recognised at all in Spain. Also the German acts do not refer to people wounded or killed in combat but in ‘accidents’ during missions, a matter that need to be addressed. In Poland one important follow-up is to educate the soldiers about their rights.

COE RECOMMENDATION “HUMAN RIGHTS IN THE ARMED FORCES”

The 101st EUROMIL Presidium meeting offered another noteworthy presentation. In the past years a EUROMIL delegation has participated in negotiations at the Council of Europe on human rights of military personnel. The “Council of Europe Recommendation on Human Rights of Members of the Armed Forces”

(CM/Rec(2010)4) was adopted on 24 February 2010. In this context, Matthias Kloth, Administrator, Human Rights Law and Policy Division, Council of Europe was invited to present the recommendation to the Presidium and to comment on the potential role of EUROMIL in ensuring the implementation of the said document. The recommendation, which takes instant effect, aims to provide specific guidance to member states on the protection of fundamental rights and freedoms of armed forces personnel, notwithstanding the special characteristics of military life and certain justified restrictions. While the recommendation is not legally-binding, its potential effect should not be underestimated – e.g. in terms of influencing case-law at the European Court of Human Rights.

The subsequent debate centred on the implementation of the recommendation. In this context, the scheduled review in 2012 was seen to entail a certain promise, as the strict timetable could be used as leverage towards national institutions. The individual associations were thus encouraged to lobby national decision-makers, although the need for a coordinated approach ensuring continuity was also stressed. In support of these efforts, the President suggested the creation of a common database containing up-to-date information on national restrictions as well as financing the partly translation of the recommendation into selected languages – e.g. Italian, Greek, Spanish and Portuguese. Implementation might also be advanced through a strengthened co-operation with ODIHR and the EU Fundamental Rights Agency.

On the occasion of the 101st EUROMIL Presidium the member associations welcomed the Non-Commissioned Officers Association of the Cyprus Army (N-COACA) as new member and the Greek Association of the Greek Armed Forces Member Cooperation Union (SYSMED) as observer.

INTERNAL AFFAIRS

ABOUT 2500 SOLDIERS MOBILISED IN MADRID

By MIGUEL LOPEZ, INTERNATIONAL AFFAIRS OFFICER OF THE UNITED ASSOCIATION OF SPANISH SERVICEMEN AND -WOMEN (AUME)

On Sunday 13 December 2009, approximately 2.500 Spanish soldiers demonstrated close to the premises of the Ministry of Defence to show their discontent about their current professional situation.

A new law on military personnel was approved by the Parliament in 2007. This law suddenly changed the military career system and its current effects prove that the government has not done a good job. It has been modified three times after entering into force. Its current form was created mainly throughout 2009. The negative consequences of its implementation are considerably felt by the soldiers in 2010.

Since the very beginning, AUME has been working on the draft law and tried to suggest changes to be taken into account in order to avoid damaging effects for soldiers. Effects that now are confirmed. This is the result of a lack of consultation of



AUME members and press in Madrid

professional associations as well as an unproductive communication between the professional associations and the drafters. The general dissatisfaction is so great that almost no one is unconcerned.

For that reason AUME has organised different

activities to make the voices of its members heard. Amongst the actions taken were letters and e-mails to the members of the Parliament, complaints to the Ombudsman and official requests to the Ministry of Defence that have, in most cases, not been answered.

AUME has thus come to the conclusion that it is



AUME campaigns for 'dignity and rights'

time to take a qualitative step forward by mobilising an important number of comrades for a demonstration. So far AUME had been organising such events only on a small scale.

Under the slogan "Dignidad y Derechos" (dignity and rights), we gathered on 13 December in the street to call for a legal frame to recognise professional associations in the armed forces as well as for the modification of the unsuitable military career law. The demonstration has been supported by several non-governmental organisations, trade-unions and politicians and we can proudly say that the event was a complete success in terms of participation and fairness.

We expect to get the response of the Ministry of Defence very soon. However, we can already consider at this stage that our aim has been achieved: on the one hand, the Ministry of Defence is aware of our mobilisation force, and on the other hand, it is the breaking-up of a certain military mindset. Equally it might be the beginning of new legal and constitutional opportunities.

NEW EUROMIL REGIONAL ORGANISATION

By MIGUEL LOPEZ, AUME

On Saturday 13 March 2010, the founding meeting of the Mediterranean Forum of Military Associations, the “Foro Mediterraneo”, took place in Madrid. Representatives of military associations coming from several Mediterranean countries gathered to found the “Mediterranean Forum of Military Associations” this new forum for ideas, mutual help and understanding with the aim of defending the fundamental rights of armed forces personnel.

This aim does not differ from the one pursued by EUROMIL, but it seems to us – the military personnel from southern Europe - that among the EUROMIL countries there are two different speeds. This observation takes into consideration the fact that there is no official recognition of fundamental rights for soldiers by the Mediterranean governments. Northern and Central European countries treat their military people as ordinary citizens, with their rights and freedoms implemented in national law. Just some examples:

Portugal has granted, by law, the right of association to members of the armed forces since 2001 but, currently, this law is almost a lip-service since the subsequent development fails and our Portuguese colleagues are in a day-

to-day fight for the good practice of the legal provisions.

In Spain, there is a project to create a law recognising a fundamental right by the Ministry of Defence. This law intends to allow for a right already recognised by the Constitution and by a decree of the Constitutional Court: the right of association. But we are still waiting for the good will of the government to approve such a law, which had previously been included in the electoral programmes for the years 2004 and 2008.

Our Italian comrades are forever waiting for the full recognition of normal citizenship for all military personnel. They continue to be treated as “cittadini speciali” and, therefore, considered as second class citizens. The principles established by the law of 1978 are being ignored, and have been dismantled since then in regard to individual and collective rights and freedoms of Italian soldiers.

Other professional soldiers, like our Cypriot colleagues, especially our friends from CAOAA, active duty officers, are being threatened with disciplinary procedures because they complained about the lack of promotions in their military career.

These and other problems have to be faced; using the strength of solidarity among Mediterranean soldiers.

Acting together to solve our common problems will strengthen our positions and arguments, and enable us to ask our governments and military authorities for the

same treatment as our colleagues from northern Europe. We want to enjoy the same rights and freedoms as they are entitled to, having in mind that we participate more and more often in the same missions, with the same goals and dangers.

It is a strange fate to demand this despite living in 21st century social Europe. We are strongly determined, with the help of our umbrella organisation EUROMIL and fellow members, to reach all these rights and freedoms.

United we stand!

THE CHALLENGE OF EUROMIL AND THE ROLE OF GERMANY

By VINCENZO BONACCORSO,
CHAIRMAN PASTRENGO, ITALY

The discrepancy of ever declining defence budgets, the need to meet current military expenses and necessary commitments to Security and Defence is nothing new. Since 2009, the financial and economic crisis has acted as catalyst, amplifying this trend. This has opened and accelerated the debate on the possibility of establishing the “European Armed Forces”.

On 6 February 2010, the German Minister of Foreign Affairs, Guido Westerwelle, announced during the Munich Security Conference that Germany supports the creation of a permanent and parliamentary run

European army in the long term, so that the EU can be a “global player”.

Also the Italian Prime Minister, Silvio Berlusconi, on 1 December 2009, raised the idea of a “European Common Defence” while speaking with the first permanent President of the European Council, Herman Van Rompuy. Berlusconi stated that he might insert this topic in the main agenda of the Italian EU Presidency in 2014.

According to the German head diplomat, the Lisbon Treaty “has opened a new chapter” of the European Union. The Union is “more democratic and parliamentary”, “it represents a beginning and not an end”. The Treaty traces “the policy of emergency and common defence”, previewing the possibility of creating a “permanent structured cooperation” between Member States. Once established, the countries included in the permanent structured cooperation can decide without unanimity, even on military sectors’ details. It is possible, therefore, to speculate that the main European Countries will soon begin to study how to create this permanent structure in order “to react in a flexible and express way” to international security crisis. The Lisbon Treaty also “opened a new chapter” in matters of human rights. In fact, the treaty contains the “Charter of Fundamental Rights of the European Union”, which in article 12, section 1, declares: “Everyone has the right to freedom of



Vincenzo Bonaccorso

peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests”.

Based on this principle we - as associations - must also begin to discuss how to create the future European armed forces. And in my opinion Germany assumes a key role in this discussion. The biggest fear of the Mediterranean associations, and of the soldiers in service in the south of Europe, is that in the future European armed forces, the standards of human rights will be agreed at lowest common denominator. For example, even in Italy today, the right of soldiers to express their opinion, to form associations or to join trade unions is strongly limited if not entirely prohibited. Therefore, in our view, especially the German Federal Armed Forces Association (DBwV) has the responsibility to ensure that all European soldiers will enjoy the same rights and fundamental freedoms as are recognised for

German soldiers. This is the most important challenge for EUROMIL in 2010!

We reiterate, with force, the proposal to create a mixed association, composed by German and Italian soldiers, constituted in Germany for the purpose of advocating for the highest fundamental rights and social standards in all those European countries still treating their servicemen and –women as “cittadini speciali”. The task for the DBwV is to create a charter for this new organisation based on German legislation, and to study the impact of such a mixed association on the German public opinion. It must be ensured that the association composed of military personnel of two different European countries could be recognised and would be able to operate in Germany as well as in Italy. A very important task is set for us and we invite all of the EUROMIL members, please, to join our forces!

THE CRISIS, GREECE AND SYSMED

BY DIMITRIOS KARMIRIS,
BOARD MEMBER OF SYSMED,
GREECE

Greece has recently dominated the news owing to our economic problems. International news agencies report the situation in Greece in various ways and at the same time attribute the blame for

the fiscal and monetary crisis to bad management of the economy in Greece. They demand measures and guarantees to avoid the collapse of the Euro.

Unable to deal with reality and to impose penalties on those guilty of squandering public money, the government of Greece - which has also taken part in the corruption - is now turning its attention to the working people, and asking them to deprive themselves in order to help the economy.

Their weapons are fraud, demagoguery, populism and sophistry, which they have always used to mislead the gullible people, and to persuade them to become an accomplice in the evils that will follow. Furthermore, confusion is created by the mass media. In Greece, it seems they have made slander an art. Particular social groups are targeted as scapegoats in order to divide and rule.

Among the social groups targeted are the armed forces. People serving in border regions are hit with cuts in travel expenses; the pension system that makes it possible to retire with reduced pension after 25 years of service in the army is being hit, etc.

In response to the imminent developments in the pension system, many individual staff members after completing 25 years of service have resigned, a fact that has begun to raise questions among the public. And, strangely enough, the media, instead of inviting the leadership of the armed forces personnel to hold a press conference

they called the Greek Association of the Armed Forces Members Cooperation Union (SYSMED) to answer their questions. Reporters interviewed SYSMED's elected president, Anestis Tsoukarakis. The problem with this is that, either out of ignorance or by deliberate act, the media tried to draw out phrases that could be isolated from their context and presented as a statement of trade union activity. Under the given circumstances with SYSMED needed to declare to be a civil association that does not engage in trade union activity, SYSMED is not the correct organisation to answer these questions. Moreover, a satisfactory answer could potentially lead to negative legal repercussions of our representatives.

Consequently, SYSMED asks: Where is the leadership of the armed forces to answer the questions of the media? Who will take positions on questions related to society and, in particular, to military personnel? What actions are being taken to protect the members of the armed forces and the members of their families from the deliberate and predatory attack against the resources needed for their survival? Who defends their legal rights?

Is the inability of the system to represent those serving in the armed forces not clearly visible? In this case, the existence of a union is obviously necessary, irrespective of and beyond the positions of governments, military leaderships and many of those people, who

defend the old glorious absolute order, an order that would have servicemen and -women to be simply mute subordinates.



Dimitrios Karmiris

It is on this turbid and treacherous battlefield that SYSMED is called upon to fight. We hope that we will succeed.

5TH CONGRESS OF THE INTERNATIONAL ASSOCIATION OF TRADE UNIONS OF SERVICEMEN

BY VALERIAN NESTEROV, ITUS,
RUSSIAN FEDERATION

The 5th Congress of the International Congress of Trade Unions of Servicemen (IATS) took place in December 2009 in Moscow.

Participating in the Congress were representatives of the All-Russian Trade Union of Servicemen,

the United Trade Union of Servicemen and Employees of the “Force Dniester Structures” of the Dniester Moldavian Republic, All-Russian Trade Union of the Non-State Security Bodies, Interregional Trade Union of Employees of the Internal Bodies, Regional Public Organisation of Former Servicemen “Military Economic Society”, Ryazan Regional Public Organisation “ Commission for Assistance to Law Securing Bodies in the Fight against Organised Crime and Corruption”.

The Congress discussed activities of the IATS members, introduced changes in the IATS Charter and adopted the new name of the organisation, which is now called “The International

Association of Trade Unions and Public Organisations of Servicemen and Employees of the Law Securing Bodies” (IATUS).

The declaration adopted by the Congress underlined the importance of defending the social rights of servicemen under the current changes to structures and institutions in the former Soviet Republics. Many organisations, which are able to defend their economic, social and other rights, came into existence. One of the forms these organisations have taken, is that of a professional organisation of servicemen, which leads to the necessity of establishing the IATUS. This association, which is open for all organisations, aims to support “people in uniform”



Valerian Nesterov

by all possible legal means, with the democratic forms of mutual relations and readiness to co-operate with all interested bodies and structures. The intention was expressed for friendly contacts with EUROMIL.

EXTERNAL AFFAIRS

EUROMIL MEETS WITH SPANISH PARLIAMENTARIANS

BY EMMANUEL JACOB, EUROMIL PRESIDENT

On the invitation of EUROMIL’s Spanish member association Asociación Unificada de Militares Españoles (AUME), President Emmanuel Jacob and Board member Antonio Lima Coelho visited on 11 and 12 March 2010 several members of the Spanish Parliament.

Together with Miguel Lopez and Emilio Deza from AUME, the delegation had several long and remarkable talks with representatives from most of the political fractions. Successively they had meetings

with Ramón Moreno (Partido Popular, PP), Jordi Xuclà (Convergència i Unió, CiU), Celestino Suárez (Vicepresident Defence Committee, Partido Socialista Obrero Español, PSOE), Maria Teresa Villagrassa (Partido Socialista Obrero Español, PSOE), Jesús Cuadrado (Partido Socialista Obrero Español, PSOE), José Ramón Beloki (Partido Nacionalista Vasco, PNV) and Gaspar Llamazares (Izquierda Unida, IU).

The objective of the talks was to inform the Spanish members of the Defence Committee about EUROMIL and especially the right of association, which, in contrast to Spain, is implemented in several other European countries in favour of military personnel. One of the points of discussion was the recently adopted Council of Europe Recommendation (2010)⁴ on human rights of members of the armed forces (adopted by the Committee of Ministers on

24 February 2010 at the meeting of the Ministers' Deputies).

The Spanish Parliamentarians informed the EUROMIL delegation that the Defence Committee is working on a project granting the right of association to Spanish soldiers. For the moment they work on the basis of a framework document and are looking for a consensus between the different parties. President Jacob proposed that it will be beneficial for all stakeholders to involve the Spanish association AUME for their opinion and participation in this work. Additionally, Jacob offered the support of EUROMIL. Jesús Cuadrado, spokesman of the governmental party (PSOE) at the Defence Committee, invited



M. Lopez (AUME), E. Jacob (EUROMIL), M. Vil-lagrasa (PSOE), J. Cuadrado (PSOE), A. Lima (EUROMIL), E. Deza (AUME)

EUROMIL officials to discuss this issue together with the Defence Committee during a meeting that will be organised in the weeks or months to come. The concerned delegates won't be too optimistic, yet this visit seemed to be more successful than similar initiatives in the past.

The EUROMIL President regretted that the Spanish Minister of Defence, Carme Chacón, could not find time in her agenda to meet him on this occasion. He hopes to be more successful in arranging a meeting when the EUROMIL delegates visit Madrid in the near future.

COUNCIL OF EUROPE RECOMMENDATION ON HUMAN RIGHTS OF MEMBERS OF THE ARMED FORCES

By EUROMIL

The Council of Europe (CoE), on 24 February 2010, passed the recommendation on human rights of members of the armed forces, underlining its strong and continuous support for armed forces personnel.

The recommendation outlines the rights and freedoms of members of the armed forces in the context of their work and service life – and endeavours to set out specific guidance to member states on how to ensure basic entitlements in the military. Something, which includes the right to life (art. 6 -8), the right to freedom of expression (art. 47 -8) and the right to freedom of association (art. 53 -7).

The recommendation comes in response to the call by the CoE Parliamentary Assembly (2006) to draw up principles on human rights in the armed forces. In 2007, a working group containing relevant non-governmental organisations and 13 member states was established to examine the task. The working group, in which the European Organisation of Military Associations (EUROMIL) played an active part, concluded the drafting process on 24 -5 September

EUROMIL played an active part in the CoE working group

2009. The report was then passed through several internal clearing stages, leading to its final adoption in February 2010.

While the recommendation, which takes instant effect, is not legally-binding, it nevertheless refers to legally binding standards – and generally

EUROMIL PRESENTS RECOMMENDATIONS AT THE EUROPEAN SECURITY AND DEFENCE ASSEMBLY

By EUROMIL

EUROMIL speaks at the European Security and Defence Assembly

On 23 March 2010, the President of EUROMIL, Emmanuel Jacob, briefed the members of the European Security Defence Assembly (ESDA) on the 'EUROMIL Recommendations for Armed Forces in times of multinational crisis-management and peace-keeping missions'. The President was accompanied by the Vice-President and Christine Jakob.

The European Security and Defence Assembly met on 22 March for an exchange of views with Lt.-General David Leakey, Director General of the EU Military Staff. He described the success of EUNAVFOR ATALANTA, the EU's counter-piracy operation off the coast of Somalia. Besides a reduction in the number of ships taken hostage, the operation was also an example of successful cooperation



Lt.-General David Leakey

carries a certain moral authority. The value of the recommendation is therefore not to be overlooked – also bearing in mind, that non-binding instruments have in the past successfully influenced case-law at the European Court of Human Rights.

To ensure successful implementation, the recommendation encourages member states to widely

Recommendation refers to legally binding standards

disseminate its content among relevant civil-military authorities. The recommendation is, in this context, also a means to an end to which national associations could actively contribute. The Council of Europe was therefore invited to present the recommendation at the EUROMIL Presidium, 19 -20 March 2010, in an attempt to identify the possible structure of this involvement. In the course of the ensuing discussion, several alternatives were considered, including a partial translation of the recommendation into selected languages.

The implementation of the recommendation will be reviewed by the Council of Europe in 2012.

Selected documents by the Council of Europe

Committee of Ministers Recommendation No. R(1987)8E regarding Conscientious Objection to Compulsory Military Service

Parliamentary Assembly Recommendation No. 1380 (1998) on the Human Rights of Conscripts

Parliamentary Assembly Recommendation No. 1518 (2001) on the Exercise of the Right of Conscientious Objection to Military Service in Council of Europe Member States

Parliamentary Assembly Recommendation No. 1572 (2002) on the Right to Association for Members of the Professional Staff of the Armed Forces

Parliamentary Assembly Recommendation No. 1714 (2005) on the Abolition of Restrictions on the Right to Vote

Parliamentary Assembly Recommendation No. 1742 (2006) on Human Rights of Members of the Armed Forces

between civilians and the military, between the EU and NATO, and with some third states, specifically China, Japan and Russia. General Leakey informed the ESDA that EUFOR ALTHEA would remain in Bosnia and Herzegovina at least until the general election in autumn 2010. This reflects a political rather than military decision, and would depend on whether EU Member States were willing to continue providing troops for the operation.

There were still shortfalls in force capabilities, such as military helicopters. In terms of rapid reaction forces, the EU Battlegroups could be considered an insurance policy for use in a genuine emergency, but there was some willingness to make the Battle Groups more usable. They had also acted as a catalyst for the transformation of some static territorial defence forces into more expeditionary forces. In the future, pooling resources such as strategic air transport or medical capabilities would be increasingly useful.

Speaking after Lt.-General Leakey, EUROMIL President Emmanuel Jacob briefed the Parliamentarians on the ‘EUROMIL Recommendations for Armed Forces in Times of Multinational Crisis-Management and Peace-Keeping Missions’. President Jacob explained that EUROMIL had made a number of recommendations to national governments: political mandates should be closely worked out in advance of missions. They should reflect the reality of the theatre and seek to minimise national caveats. Adequate pre-deployment training at a national and multinational



Emmanuel Jacob

level should be provided and should cover language skills and cultural awareness. During missions, the right equipment (commensurate with the mission) should be available and the logistics support structure should be effective. Appropriate provision also needed to be made for medical care, both physical and psychological, and a communication network made available to ensure a permanent, virtually day-to-day link between soldiers and their families. After the mission, returning soldiers required long-term medical surveillance to prevent or cure post traumatic stress disorder (PTSD). Every effort should be made to facilitate the re-entry of veterans into the labour market – in the civil sector or public service – including the establishment of employment and training schemes for seriously injured military personnel. There was a need for constant exchange of best practice.

EUROMIL CALENDAR 2010

18	April	Board	Nicosia, Cyprus
5	July	Board	Brussels, Belgium
4	October	Board	Madrid, Spain
28	October	Board	Brussels, Belgium
29-30	October	Presidium	Brussels, Belgium



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